



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 15, 2009

RE: MATOUSEK LANDFILL
NOTICE OF VIOLATION

CERTIFIED MAIL

Lea Boyas-Morabito
Peter J. Limited
c/o Boyas Excavating, Inc.
10055 Sweet Valley Drive
Valley View, OH 44125

Dear Ms. Boyas-Morabito:

On May 13, 2009, I (Jarnal Singh) of the Ohio Environmental Protection Agency, Northeast District Office (Ohio EPA-NEDO), while conducting an inspection of the City View Center, observed leachate overflowing a manhole structure at the 'mouth' of the 42" storm sewer located at the south end of the undeveloped portion of the City View Center in Garfield Heights, Ohio. The manhole is located on property owned by Peter J. Limited. Leachate was observed discharging from the top of the manhole and entering a storm water ditch running south adjacent to a haul road on the Peter J. Limited portion of the Matousek Landfill (see attached photographs).

Failure to properly collect, characterize and dispose of leachate at the Matousek Landfill is a violation of the following requirements:

- 1) **December 3, 2003, OAC Rule 3745-27-13 Matousek Landfill Authorization, Condition 11**, which states in part, *that all, semi-solids, industrial wastes, and other ORC Chapter 6111 wastes removed shall be containerized and securely stored until these materials are properly characterized and disposed of in accordance with ORC Chapter 6111.*
- 2) **December 3, 2003, OAC Rule 3745-27-13 Matousek Landfill Authorization, Conditions 21**, which states in part, *that any leachate outbreaks encountered while conducting activities at the landfill shall be repaired.*
- 3) **Ohio Revised Code (ORC) Section 6111.04**, which states in part, *"No person shall cause pollution or place or cause to be placed any sewage, industrial waste, or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby declared to be a public nuisance, except in such cases where the director of the environmental protection has issued a valid and unexpired permit, or renewal thereof, as provided in sections 6111.01 to 6111.08 of the Revised Code, or an application for renewal is pending."*

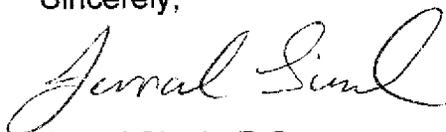
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Leachate from this structure cannot be allowed to overflow. Leachate must be properly contained, characterized and then disposed of in accordance with ORC 6111. Please provide written notice to Ohio EPA, within seven days of your receipt of this letter, of the actions that have been taken to address and prevent the reoccurrence of the above noted violations. Failure to comply with the above mentioned requirements may result in escalated enforcement action being taken by this Agency.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release MPG and GHLFP or others from responsibility under ORC Chapters 3704., 3714., 3734. or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please do not hesitate to call me at (330) 963-1276.

Sincerely,



Jarnal Singh, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JS/cl

cc: Robert Eubanks, AGO, EES
Karen Naples, DSIWM-NEDO
Melinda Berry, DSIWM-CO
Dan Bogoevksi, DSW-NEDO
Larry Reeder, DSW-CO
Scott Broski, NEORSD
Colin Johnson, Cuyahoga County Board of Health
Mike Boyas, Peter J. Limited
File: [Sowers/COUN/CityViewCenter/COR/18]



Picture of overflowing manhole structure. Looking south. Picture taken May 13, 2009, by J. Singh.



Picture of overflowing manhole structure. Looking north. Picture taken May 13, 2009, by J. Singh.