



State of Ohio Environmental Protection Agency

**Northeast District Office**

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

October 9, 2008

**RE: NOTICE OF VIOLATION  
EXPLOSIVE GAS MGT. AND MONITORING  
HARVARD REFUSE LANDFILL  
CUYAHOGA COUNTY**

**CERTIFIED MAIL**

Stanley Lojek, President  
Harvard Refuse, Inc.  
7720 Harvard Avenue  
Cleveland, OH 44105

Dear Mr. Lojek:

This letter provides comments regarding the June 24, 2008 explosive gas monitoring report and violations regarding the explosive gas certification report and the explosive gas management system for Harvard Refuse Inc. (HRI). HRI includes a solid waste landfill located at 7720 Harvard Avenue, cities of Cleveland, Cuyahoga Heights, and Garfield Heights, Cuyahoga County. The explosive gas monitoring report was submitted in three parts: West report includes 47 monitoring wells, East report includes 47 monitoring wells, and Dorver Avenue report includes 8 monitoring wells. The report indicates that all wells were sampled on June 24, 2008. NEDO received the report on June 30, 2008. Below are comments identified during the review of the monitoring report.

**Comments regarding Explosive Gas Monitoring Report**

1. The report indicates that the gas monitoring equipment was calibrated on November 16, 2007. This seems to be too long of a time period (nearly seven months) to ensure that the equipment will provide accurate results. In the explosive gas monitoring plan, approved on August 4, 2003, Appendix G indicates, "Calibrate the methane gas meter in the office prior to compliance sampling in the field." and "Calibration will be done per the manufacturer's instructions included with the equipment."

Please send Ohio EPA copies of the pages from the manufacturer's instructions that describe how often the meter should be calibrated. Usually, a facility will have its own bottle of calibration gas and will calibrate the meter immediately before a monitoring event.

2. Near the top of each report form, there was no entry for "Calibration Gas." Please indicate the calibration gas on all future monitoring reports.

3. Recorded Sampling Times:
  - A. The East and West reports show the sampling times as occurring every 15 minutes on the quarter hour. For example: 8:00, 8:15, 8:45, 9:00, etc. Ohio EPA doubts that these reports reflect actual sampling times. For example, the East report indicates sampling began at 8:00 a.m. and every 15 minutes a sample time is listed with the last sample taken at 7:45 p.m. The sampling times recorded on the report forms should be the actual times that the sampling occurred.
  - B. The East, West and Dorver reports all have the sampling times beginning at 8:00 a.m. All three reports list Bogdan Korybko as the person sampling the monitoring wells. This appears to be incorrect because one person cannot be in three places at the same time. The sampling times recorded on the report forms should be the actual time that the sampling occurred.
  - C. The Dorver report does not have the sampling times recorded for sampling of wells 2D through 7D. The time must be recorded for sampling at each monitoring well.

### **Violations Regarding Explosive Gas Certification Report**

1. The explosive gas monitoring certification report is not complete. The violations and deficiencies regarding the certification report were listed in Ohio EPA's letter, dated December 7, 2007. This letter is attached. Please provide the requested information needed to complete the certification report. In brief, the violations related to the certification report are:
  - a. Condition 1 of the August 4, 2003 authorization
  - b. Condition 3 of the August 4, 2003 authorization
  - c. Condition 6 of the August 4, 2003 authorization
  - d. OAC 3745-27-12(A)(3)

In addition, Ohio EPA's December 7, 2007 letter lists four deficiencies and three comments. HRI must respond to these items also.

Lastly, Ohio EPA is aware of the following:

- i. There are several monitoring well construction configurations which make up the HRI explosive gas monitoring network. The revised certification report should include a drawing of each kind of well construction and a site map that indicates the kind of well construction for each numbered well. For

example, some wells are flush mount (level with the ground surface), while others extend several feet above the ground surface.

- ii. Some monitoring wells are on private property. Ohio EPA requests that HRI include in the revised certification report, detail describing how HRI enters each private property in order to sample those wells. For each well on private property, the narrative should include name, address and phone number of the private property owner/renter, the monitoring well number and any additional relevant information such as information on locked gates and fences.

### **Violations Regarding Explosive Gas Management Documentation**

1. Ohio EPA's letter dated June 30, 2005, states in part, *"In closing, Ohio EPA notes that an existing flare was relocated approximately 300 feet south/southeast of its former location on the Cleveland unit of the facility. During our site visits during the week of June 20, 2005, it is Ohio EPA's understanding that this particular flare was relocated approximately a year ago. It is also unknown if any of the flares for the gas collection and control system have air emissions permits. Please note that installation or relocation of any landfill flare in Cuyahoga County typically requires authorization from both city of Cleveland Division of Air Pollution Control as an air emissions source, and from Ohio EPA DSIWM as a change to any document(s) which authorized the explosive gas extraction and control system, or some additional authorization from either Ohio EPA or U.S. EPA. Please provide documentation of the necessary authorizations secured to relocate this flare."*

Regarding the above, HRI is in violation of OAC 3745-27-13 due to constructing the landfill flare and associated piping without prior authorization from Ohio EPA. HRI must provide plan drawings of the existing explosive gas management systems at all sections of the solid waste landfill and respond to Ohio EPA's letter dated June 30, 2005. The June 30, 2005 letter is attached.

2. During the annual survey inspection at HRI on September 18, 2008, Ohio EPA observed two passive explosive gas vents installed near Dorver Avenue. Mr. Korybko indicated the vents extend underground approximately 30 feet.

HRI is in violation of OAC 3745-27-13 due to the construction of the passive vents at the landfill without prior authorization for Ohio EPA. HRI must provide description and plan drawings of the two passive explosive gas vents installed near Dorver Avenue.

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3. Condition 7 of HRI's Explosive Gas Monitoring Plan, approved on August 4, 2003, states, "*HRI shall compile the monitoring data from all monitoring events conducted during each calendar quarter and shall submit the monitoring results within 15 days of the last date of sampling in each calendar quarter, in lieu of the reporting requirements of OAC Rule 3745-27-12(I)(5).*"

Page 15 of the approved plan states, "*The explosive gas permanent monitors will be monitored at least weekly until the Ohio EPA grants authorization to cease monitoring.*"

In addition, Condition 1 of HRI's Explosive Gas Monitoring Plan, approved on August 4, 2003, states, "*The explosive gas monitoring plan shall be implemented at the Harvard Refuse Landfill, in accordance with the plan titled "Explosive Gas Monitoring Plan for the Harvard Refuse Landfill", dated July 2003. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.*"

HRI is in violation of Condition 7 of the approved Explosive Gas Monitoring Plan. In the past, Ohio EPA has received a copy of one monitoring event per quarter. HRI must send copies of the weekly monitoring events to Ohio EPA within 15 days of the last sampling date in each calendar quarter.

Please send to Ohio EPA a copy of all previous weekly monitoring events.

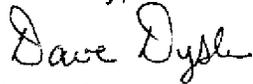
In the future, please send copies of the monitoring events pursuant to Condition 7 of HRI's approved Explosive Gas Monitoring Plan.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release HRI from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

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If you have comments or questions concerning this review, please feel free to contact me at (330) 963-1286.

Sincerely,



Dave Dysle  
Environmental Specialist  
Division of Solid and Infectious Waste Management

DD:cl

att: Ohio EPA letters dated December 7, 2007 and June 30, 2005

cc: John Schmidt, DSIWM, NEDO  
Melinda Berry, DSIWM, CO  
Annie Snyder, City of Cleveland Health Department  
Dane Tussel, Cuyahoga County Board of Health  
David Hearne, City of Cleveland Division of Air Pollution Control  
Owen Karickhoff, CT Consultants (with atts.)  
File: [Sowers/Land/Harvard Refuse/EXP/18]

DSIWM #1693