OhioEPA

State of Ohio Environmental Protection Agency

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August 21, 2007

RE: HARVARD REFUSE, INC.
NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Stanley Lojek
Harvard Refuse, Inc.
7720 Harvard Avenue
Cleveland, Ohio 44105

Dear Mr. Lojek:

Ohio Environmental Protection Agency (Ohio EPA) received your quarterly inspection report and explosive gas monitoring (EGM) report regarding Harvard Refuse, Inc. (HRI) located at 7720 Harvard Avenue, Cleveland, in Cuyahoga County. Both reports were received on July 26, 2007. This letter provides a notice of violations regarding the inspection report and explosive gas monitoring report and additional unresolved violations.

HRI includes a closed solid waste landfill in three separate sections, two closed C&DD landfills, and a closed exempt fill area. All of the fill areas are along both sides of Mill Creek. The solid waste landfill is in a post-closure care period, pursuant to OAC 3745-27-14. The solid waste landfill is also required to do explosive gas monitoring pursuant to OAC 3745-27-12. The violations are below.

Quarterly Landfill Inspection Report

Ohio Administrative Code (OAC) 3745-27-14(A)(4) states in part, *"Post-closure care activities for a sanitary landfill facility shall include, but are not limited to the following: . . Quarterly inspection of a sanitary landfill facility during each year of the post-closure care period and submittal of a written summary to the appropriate Ohio EPA district office not later than fifteen days after the inspection date detailing the results of the inspection and a schedule of any actions to be taken to maintain compliance with paragraphs (A)(1) and (A)(2) of this rule."*

HRI is in violation of OAC 3745-27-14(A)(4) because Ohio EPA did not receive the quarterly inspection reports in a timely manner. Ohio EPA received the inspection report on July 26, 2007. However, the report was for a landfill inspection on June 23, 2007. In the future, please send each quarterly landfill inspection report within 15 days of the inspection date.

Explosive Gas Monitoring Report

OAC 3745-27-12(E)(4) states in part, *"Results shall be submitted to the appropriate district office of the Ohio EPA and the local health district on a form prescribed by director within fifteen days of the date of sampling . . ."*

HRI is in violation of the above rule because the EGM report was not received within 15 days of the date of sampling. Ohio EPA received all three sections of the EGM report on July 26, 2007. The three EGM report sections were:

1. East side of Mill Creek / Dorver Road, 8 wells monitored on May 19, 2007
2. East side of Mill Creek / Warner Road, 47 wells monitored on May 12, 2007
3. West side of Mill Creek / East 73rd Street, 47 wells monitored on June 20, 2007

In the future, please send each quarterly landfill inspection report within 15 days of the inspection date.

Comment

The Northwest Clean Fill Area (exempt fill area) needs to be graded and seeded this year. Silt fences should also be properly maintained at the base of the exempt fill area.

Ohio EPA reminds HRI that the slope should be seeded as soon as possible to establish a thick growth of vegetation to prevent erosion and sediments from entering Mill Creek. The National Pollutant Discharge Elimination System (NPDES) Permit for Storm Water Discharges Associated with Construction Activity requires disturbed soil areas within 50 feet of a stream to be seeded and/or mulched within two days. The NPDES permit also requires disturbed soil areas where construction activity has temporarily ceased for 45 days or more to be seeded, mulched or stabilized within seven days of last activity.

Additional unresolved violations

1. Regarding the entire solid waste landfill, HRI has not complied with Director's Final Findings and Orders, issued on April 16, 2001 (April 2001 Orders). The April 2001 Orders address persistent violations regarding cap erosion, leachate outbreaks entering Mill Creek, and explosive gas migration. The April 2001 Orders give the following order of events that HRI must follow to resolve the violations: 1) HRI submits a Site Investigation Report; 2) after receiving Ohio EPA's concurrence on the Site Investigation Report, HRI submits a Preferred Method Work Plan; 3) after receiving Ohio EPA's concurrence on the Preferred Method Work Plan, HRI submits a Conceptual Design Plan; 4) after receiving Ohio EPA's concurrence, HRI begins remedial activities. HRI has not submitted a Site Investigation Report with which Ohio EPA can concur, in violation of April 2001 Orders.

2. HRI has not complied with the April 2001 Orders. Therefore, HRI is also in violation of ORC 3734.11(A). This law states, "No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code." Harvard has not complied with the April 2001 Orders regarding the Site Investigation Report.

3. Explosive Gas Monitoring Plan (EGMP) authorization, dated August 4, 2003. Condition 6 of the EGMP authorization states, "Within 60 days of implementation of the explosive gas monitoring plan, HRI shall submit the certification report for construction of the explosive gas monitoring system."

   A. HRI is in violation of Condition 6 of the EGMP authorization because Ohio EPA has not received a revised certification report that includes the construction of all monitoring wells in the explosive gas monitoring system. Ohio EPA should have received the revised certification report during 2005.

      The implementation date is defined in Condition 3 of the authorization, which states, "Within 90 days from the date of this approval, HRI shall implement the explosive gas monitoring plan. Implementation shall include installation and monitoring of temporary and permanent monitors, pursuant to OAC Rule 3745-27-12(E)(1)."

      On July 22, 2004, Ohio EPA received a certification report for monitoring wells installed in 2004. HRI implemented the plan on October 20, 2004. Additional monitoring wells were installed in 2005. Therefore, to attain compliance, HRI must submit a revised certification report for construction of the entire explosive gas monitoring system as soon as possible.

   B. HRI is in violation of Condition 4 of the EGMP authorization because Ohio EPA has not received revised topographic maps. Condition 4 states, "HRI shall submit revised topographic maps, as required by OAC Rule 3745-27-12(D)(2)(a)(v), showing locations of all potential explosive gas migration pathways, including those listed on plan drawing sheets 1 of 2 and 2 of 2 of the submittal. HRI shall submit this information with the certification report for construction of the explosive gas monitoring system."

      To achieve compliance, HRI must submit revised topographic maps with the revised certification report.

   C. HRI is in violation of Condition 5 of the EGMP authorization because Ohio EPA has not received geologic cross-sections for those perimeters of the landfill property which face occupied structures. Condition 5 states, "HRI shall submit geologic cross-sections for those perimeters of the landfill property which face occupied structures. HRI shall submit this information with the certification report for construction of the explosive gas monitoring system. Each cross-section shall show the location of the borings used to develop the cross-section. The submittal shall include the boring logs of those wells used in the development of the cross-sections."

To achieve compliance, HRI must submit the geologic cross-sections and boring logs as described above.

4. During the July 10, 2007 inspection, Ohio EPA observed that the slope angle of the exempt area appears to be at least 3H:1V. During the June 13, 2001 inspection, U.S. Army Corps of Engineers required, in part, that the angle of the fill slope should be no greater than 4:1. It appears that the fill area slope is steeper than 4:1. Ohio EPA reminds HRI that the exempt fill slope angle should not be greater than 4:1 as required by U.S. Army Corps of Engineers.

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 Harvard Refuse, Inc. 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.

Please provide a written response to the above violations within 14 days receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Melinda Berry, DSIWM, CO
Dan Bogoevski, DSW, NEDO
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File: [Sowers/LAND/Harvard Refuse/COR/18]

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