



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 1, 2007

RE: **CLINTON VILLAGE LANDFILL  
SUMMIT COUNTY  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

The Honorable Phyllis Mayberry  
Mayor, Village of Clinton  
7871 Main Street  
Clinton, Ohio 44216

Dear Mayor Mayberry:

Ohio Environmental Protection Agency (Ohio EPA) received your letter, dated September 27, 2007, regarding Clinton Village Landfill. Your letter provided the 3rd quarter inspection report of 2007 for the landfill. This letter provides a notice of violation regarding the inspection report. This letter also provides a notice of violation regarding the lack of an explosive gas monitoring system. The violations are listed below:

1. The village of Clinton is in violation of **Ohio Administrative Code (OAC) 3745-27-14(A)** because the inspection report did not contain enough information. Information that was missing included the inspection date, the complete name of the inspector, and comments regarding the current condition of the cap. Please consider the following rules that apply to quarterly inspection reports.

**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."*

**OAC 3745-27-14(A)(1)** states, *"Continuing operation and maintenance of the leachate management system, the surface water management system, any explosive gas extraction and/or control system, any explosive gas monitoring system, and the ground water monitoring system."*

**OAC 3745-27-14(A)(2)** states, *"Maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, ponding, erosion, leachate outbreaks, or other events, and preventing run-on and runoff from eroding or otherwise damaging the cap system."*

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Considering the above rules, each quarterly inspection report should include the following:

- a. The date of the inspection;
- b. Who conducted the inspection;
- c. Other people present during the inspection;
- d. Specific locations where problems were observed; and
- e. A schedule of any actions to be taken to maintain compliance with OAC 3745-27-14(A)(1) and (A)(2).

Please make copies of the enclosed Closed Landfill Inspection Checklist. The Checklist can be used as a quarterly inspection report if all appropriate information is written on the form. This checklist is also available at: [http://www.epa.state.oh.us/dsiwm/document/guidance/gd\\_049.pdf](http://www.epa.state.oh.us/dsiwm/document/guidance/gd_049.pdf)

2. The village of Clinton remains in violation of **OAC 3745-27-12** because Ohio EPA has not received and approved an explosive gas monitoring plan (EGMP) for Clinton Village Landfill.

The village of Clinton is required to submit an EGMP to Ohio EPA for approval, pursuant to OAC 3745-27-12. Thereafter, the owner or operator conducts explosive gas monitoring, pursuant to the EGMP.

According to our records, a one-page EGMP for Clinton Village Landfill, dated February 15, 1989, was received by NEDO on February 16, 1989. However, Ohio EPA cannot approve this EGMP because the plan does not comply with the current explosive gas rules, effective August 15, 2003.

Your letter indicated a question as to what type of EGMP to submit. Ohio EPA understands that the Village of Clinton would prefer to use punch bars instead of permanent monitors. If so, then the EGMP must include justification for using punch bars instead of permanent monitors. **OAC 3745-27-12(D)(5)(a)** requires a description of the proposed explosive gas monitoring system. The rule provides for the option of using punch bars. However, there must be justification for the use of punch bars. OAC 3745-27-12(D)(5)(a)(i) states,

*"Description of the proposed explosive gas monitoring system, including the following:*

- (a) *Proposed permanent monitor and punch bar station locations, depths, screen intervals, and identification designations.*

- (i) *For sanitary landfill facilities subject to paragraph (A)(1) of this rule, the owner or operator shall use the following:*
  - (a) *Permanent monitors or punch bar stations in such locations and in such numbers that explosive gas migration through the unconsolidated stratigraphic unit or fractured bedrock pathway towards the facility boundary will be detected. **A punch bar may be used if the explosive gas pathway does not represent a potential hazard to an occupied structure.***
  - (b) *For occupied structures located within the horizontal limits of waste placement, explosive gas alarms in the occupied structure upon the consent of the owner of the occupied structure.*
  - (c) *For occupied structures located within two hundred feet of the horizontal limits of waste placement, explosive gas alarms in the occupied structure upon the consent of the owner of the occupied structure and either permanent monitor(s) or punch bar stations between the landfill and the structure in such locations and in such numbers that explosive gas migration through the unconsolidated stratigraphic unit or fractured bedrock pathway towards the structure will be detected. **A punch bar may be used only if the explosive gas pathway does not represent a potential hazard to the occupied structure.***
  - (d) *For occupied structures located within one thousand feet of the limits of waste placement, permanent monitor(s) or punch bar stations may be used between the landfill and the structure in such locations and in such numbers that explosive gas migration through the unconsolidated stratigraphic unit or fractured bedrock pathway towards the structure will be detected. **A punch bar may be used if the explosive gas pathway does not represent a potential hazard to the occupied structure.***
  - (e) *For occupied structures located within one thousand feet of the limits of waste placement where permanent monitors or punch bar stations cannot be properly located, explosive gas alarms in the occupied structure upon the consent of the owner of the occupied structure.”*

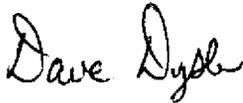
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Please submit an EGMP, pursuant to OAC 3745-27-12. Once Ohio EPA has approved the plan, the village of Clinton will be required to conduct explosive gas monitoring in accordance with the EGMP.

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 the village of Clinton 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.

If you have any questions concerning this letter, please call me at (330) 963-1286.

Sincerely,



Dave Dysle  
Division of Solid and Infectious Waste Management

DD:cl

Enclosure: Closed Landfill Inspection Checklist

cc: Darrick Willis, Summit County Health Dept.  
File: [Sowers/LAND/Clinton/COR/77]

DSIWM #870