OhioEPA

State of Ohio Environmental Protection Agency

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

June 28, 2007

RE: NOTICE OF VIOLATION
EXPLOSIVE GAS MONITORING REPORT
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 a notice of violations regarding explosive gas monitoring at Harvard Refuse Inc. (HRI), solid waste landfill located at 7720 Harvard Avenue, cities of Cleveland, Cuyahoga Heights, and Garfield Heights, Cuyahoga County. Below are the violations.

1. **Condition 6 of Explosive Gas Monitoring Plan (EGMP) Authorization, dated August 4, 2003**. Condition 6 of the 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."*

   HRI is in violation of Condition 6 of the August 4, 2003 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.

2. **Condition 1 of EGMP Authorization and Ohio Administrative Code (OAC) 3745-27-12(E)(2)(a) and (b).** This is regarding the March 17, 2007 explosive gas monitoring report not having all required information. HRI is in violation because the monitoring report did not indicate the readings for the gas pressure in each monitoring well. In addition, the readings for the percent combustible gas by volume should be completed for each monitoring well.

Condition 1 of the authorization 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."*

Page 15 of the approved EGMP indicates that the monitoring parameters will include percent combustible gas by volume, and gas pressure in the monitor.

OAC 3745-27-12(E)(2)(a) and (b), state in part,
"The following parameters shall be monitored at all permanent monitor locations and punch bar stations, as noted, in the following order: (a) Gas pressure in the permanent monitor. (b) Initial combustible gas concentration in per cent methane by volume (% CH4 v/v). The monitoring equipment shall have a detection limit below twenty-five percent of the lower explosive limit. For the purposes of this rule "initial" means immediately after the gas pressure measurement so as not to inadvertently vent the monitor.

[Comment: The monitor should not be vented prior to measuring the concentration of combustible gas.]"

To achieve compliance, future explosive gas monitoring reports must include gas pressure in each monitoring well and initial combustible gas concentration in per cent methane by volume. Each monitoring well should have a cap with a sampling port in order to determine the gas pressure in each monitoring well.

3. **OAC 3745-27-12(E)(4).** This rule 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 . . ."*

For clarification, HRI's monitoring system includes a total of 102 monitoring wells. The wells are:
West side, 1W through 24W, total of 24 wells.
West side, 1WA through 21WA, and 1WN and 2WN, total of 23 wells.
East side, 1E through 46E and 1EA, total of 47 wells.
East side Dorver Ave., 1D through 8D, total of 8 wells.

HRI is in violation of the above rule because some of the sampling results were submitted late. Ohio EPA received the March 2007 monitoring report that contained sampling results for all monitoring wells on March 29, 2007. But, the sampling occurred on March 10, 2007 for wells 1W through 24W, 1WA through 21WA, and 1WN and 2WN. Also, wells 1D through 8D were monitored on March 3, 2007.

To achieve compliance, HRI must submit monitoring reports to Ohio EPA and the health departments within 15 days of sampling the explosive gas monitoring wells.

4. **Condition 1 of EGMP Authorization.** Page 15 states, *"The explosive gas permanent monitors will be monitored at least weekly until the Ohio EPA grants authorization to cease monitoring."* Currently, Ohio EPA has been receiving quarterly explosive gas monitoring reports. HRI is in violation of the monitoring frequency specified in the EGMP.

   To achieve compliance, HRI must submit weekly monitoring reports or request a change to the monitoring frequency specified in the EGMP.

5. **Condition 4 of EGMP Authorization.** 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.

6. **Condition 5 of EGMP Authorization.** 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.

7. **OAC 3745-27-13 (Rule 13).** HRI added an explosive gas flare at the landfill section north of the Conrail tracks. Ohio EPA was not notified in advance of the change to the explosive gas system. HRI should have provided prior notification to Ohio EPA before making any changes to the landfill that involves digging through the cap. Ohio EPA needs to determine if a Rule 13 is needed prior to construction activity.

   HRI is in violation of OAC 3745-27-13 for excavating into the cap to make changes to the explosive gas management system without prior authorization.

Related to this issue, is Ohio EPA's letter dated June 30, 2005. This letter 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."*

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.

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.

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

Sincerely,

Dave Dysle

Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

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
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