



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

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

June 18, 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. Morabito:

The Ohio Environmental Protection Agency, Northeast District Office (Ohio EPA-NEDO) is in receipt of your letter dated May 22, 2009. This letter was in response to Ohio EPA's notice of violation (NOV) letter dated May 15, 2009, and was received by Ohio EPA on May 29, 2009. The violations identified in Ohio EPA's May 15, 2009, letter pertained to leachate overflowing a manhole structure located on a section of the Matousek Landfill owned by Peter J. Limited.

In response to your May 22, 2009, letter, you (Peter J. Limited) are responsible for controlling leachate discharging from any structure installed on the landfill owned by Peter J. Limited. Disputes between Peter J. Limited and any other party involved in the installation, permitting, financial responsibilities, and the use of the system, etc. should be resolved between the parties involved. In the meantime, because the structure is installed on your property and is discharging leachate into storm water conveyance ditches on your property, you must immediately properly contain, characterize, and then dispose of the leachate discharging from that structure.

As first described in Ohio EPA's May 15, 2009, NOV, Ohio EPA and the Cuyahoga County Board of Health have observed leachate overflowing the manhole structure and flowing into the storm water ditch running south adjacent to a haul road on the Peter J. Limited portion of the Matousek Landfill. Ohio EPA and the Cuyahoga County Board of Health revisited the site on June 5, 2009, and observed that the issue has not yet been resolved (see attached photographs).

Allowing leachate to continue to discharge from the manhole located on 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."*

Lea Boyas Morabito  
Peter J. Limited  
June 18, 2009  
Page 2

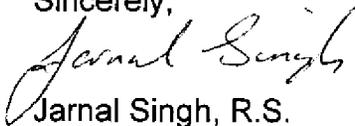
- 2) **December 3, 2003, OAC Rule 3745-27-13 Matousek Landfill Authorization, Conditions 21**, which states in part, *"that any leachate outbreaks encountered while conducting activities at the landfill shall be repaired."*
- 3) **Ohio Revised Code (ORC) Section 6111.04**, which states in part, *"No 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."*

Leachate from this structure must be properly contained, characterized, and then disposed of in accordance with ORC 6111. Please provide written notice to Ohio EPA, within 5 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,

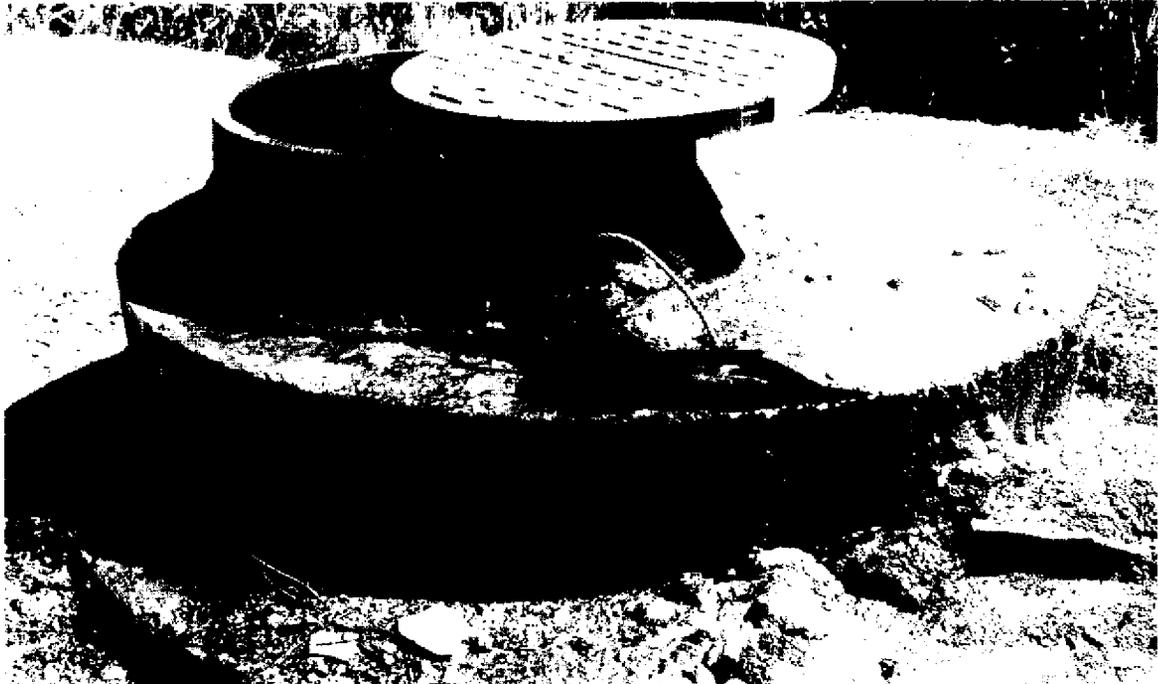


Jarnal Singh, R.S.  
Environmental Specialist  
Division of Solid & Infectious Waste Management

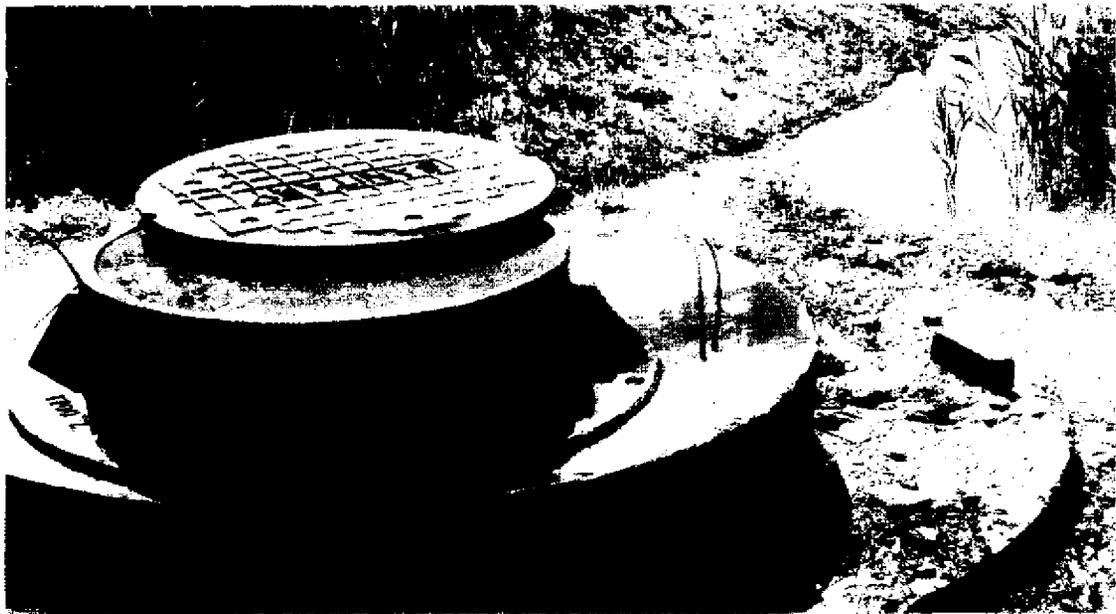
JS/cl

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

# 2506



Picture of overflowing manhole structure. Looking north. Picture taken June 5, 2009, by J. Singh.



Picture of overflowing manhole structure. Looking south. Picture taken June 5, 2009, by J. Singh.

Lea Boyas Morabito  
Peter J. Limited  
June 18, 2009  
Page 4



Picture of overflowing manhole structure. Looking south. Picture taken June 5, 2009, by J. Singh.

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com).

7099 5419 0003 2303 0000 4545 0260

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

95  
6-18-09

Sent To Lea Boyas-Morabito  
 Street, Apt. No.,  
 or PO Box No. Peter J. Limited  
 City, State, ZIP+4

PS Form 3800, August 2005

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number

(Transfer from service label)

70083230 00035419 70999. Singl. 6-18-09

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X TJL

Agent

Addressee

B. Received by (Printed Name)

JAY HERSHEY

C. Date of Delivery

6/19/09

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes