



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 8, 2010

CERTIFIED MAIL

Mr. Joseph Balog
Royalton Road Sanitary Landfill
Norton Environmental
6055 Rockside Woods Boulevard
Independence, Ohio 44131

Dear Mr. Balog:

Ohio EPA received a letter dated November 17, 2008, requesting concurrence with the revised cost estimates for closure and post-closure care for the Royalton Road Sanitary Landfill, located in Broadview Heights, Ohio. The letter requested to reduce the total amount funded for financial assurance in light of the completed construction of the final cap system.

In response to your request, and upon review of the cost estimates for closure, Ohio EPA sent a Notice of Violation to you dated February 18, 2009. A copy of this letter is attached. Ohio EPA has not received a response to the Notice of Violation. Although cap construction has been completed and Ohio EPA has concurred with the cap construction certification reports, final closure of the facility is not complete, and the post-closure care period does not commence, until Ohio EPA receives a complete closure certification report in compliance with OAC 3745-27-11(J).

In addition Ohio EPA has completed a review of the post-closure cost estimates contained in the Facility Annual Operational Report for 2008. Ohio EPA has identified the following violations of the Ohio Administrative Code:

OAC Rule 3745-27-19(M)(6) requires that the annual report contain the "most recent updated final closure cost estimate, post-closure cost estimate, and, if applicable, corrective measures cost estimate, adjusted for inflation and for any change in final closure cost estimate, post-closure cost estimate, or corrective measures cost estimate required by rules 3745-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code.

OAC Rule 3745-27-16(D)(1) requires that "the owner or operator of a sanitary landfill facility shall annually review and analyze the post-closure cost estimate and shall make any appropriate revisions to these estimates and to the financial assurance instrument whenever a change in the post-closure care activities increases the cost of post-closure care."

Specifically, the cost estimates are not adequate for the following reasons:

1. The final closure cost estimates have not been increased to account for expansion of the explosive gas collection and control system or the leachate management system. The expansion of these systems will require additional maintenance and utility costs.

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2. The leachate disposal costs are based on disposal of 1,000,000 gallons of leachate per year at a cost of \$0.01/gallon. In 2008, over 4,500,000 gallons of leachate were collected. The unit cost of \$0.01/gallon is very low; typical disposal costs vary from \$0.06 to \$0.10 per gallon.
3. The unit cost for mowing, road and fence repairs and cap repairs is very low (\$2,750 per year). The typical cost for mowing alone is approximately \$65/acre.
4. The level of detail for all estimates does not allow for easy review and for Ohio EPA to determine whether the costs are adequate. Ohio EPA has prepared guidance document number 0675, "Closure/Post Closure Care Cost Estimates", dated September 19, 2003 to assist landfill facility owners in preparation and submittal of cost estimates. This document can be found at http://www.epa.state.oh.us/dsiwm/pages/landfill_docs.aspx.

In order for Ohio EPA to effectively evaluate your request for release of financial assurance, an adequate, detailed cost estimate for closure must be submitted for post-closure care. The cost estimates submitted to Ohio EPA are not adequate in either the estimated costs or the level of detail to allow Ohio EPA to determine whether the proper amount of financial assurance is being maintained for post-closure care. You must submit a complete, itemized written estimate for the cost of post-closure care in accordance with OAC Rule 3745-27-14, based on a third party conducting the post-closure activities. Ohio EPA may review, approve, and/or require revisions to the post-closure care cost estimate.

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.

Please respond to this notice of violation within 15 days of receipt. If you have any questions regarding this letter, please contact me at (330) 963-1238.

Sincerely,



Judy Bowman
Division of Solid and Infectious Waste Management

JB/cl

cc: Clarissa Gereby, DSIWM-NEDO Dave Matthews, Norton Environmental
Matt Boyer, DSIWM-CO File: LAND/Royalton Road Landfill/COR/18
Dane Tussel, Cuyahoga County Health Department

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