



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 18, 2009

**RE: ROYALTON ROAD LANDFILL  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Mr. Joseph A. Balog  
Norton Environmental Company  
6200 Rockside Woods Blvd.  
Independence, Ohio 44131

Dear Mr. Balog:

Ohio EPA has received your 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 Hts., Cuyahoga County. Your letter requests to reduce the total amount funded for financial assurance in light of the completed construction of a portion of the final cap system at the Royalton Road Landfill.

Ohio EPA has reviewed the estimates included in the letter. These estimates are identical to those which were in the 2007 Royalton Road Landfill Annual Report. Therefore, Ohio EPA reviewed the estimates contained in the Annual Report. Ohio EPA has identified the following violation of 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 3756-27-15, 3745-27-16, and 3745-27-18 of the Administrative Code.*"

The estimates are not adequate to provide for closure care of the facility and have not been updated in accordance with Ohio Revised Code Rules 3745-27-15, 3745-27-16, and 3745-27-18. According to Ohio EPA calculations, the total closure cost, updated since 1998 for inflation, and taking into account the construction of final cap, should be \$1,784,889.39. This was calculated from the 1998 PTI as follows:

\$1,030,242 for Addition #3 multiplied by the inflation factors from 1999 through 2008=\$1,427,402.52.

\$1,703,760 for the EIPTI area multiplied by the inflation factors from 1999 through 2008=\$1,784,889,91 multiplied by 4.5/26 to account for completion of construction=\$356,487.39.

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The cost estimate to close Addition #3 in the 2007 annual report was only \$920,581, and the cost estimate for closure of the EP PTI area was only \$337,859. Ohio EPA notes that some closure costs were estimated to be \$0 due to on-site soils, some of which have been prequalified. The cost estimates must be based on purchased materials to be brought on site as there is no guarantee that these materials would be available to a third party closing the facility. Costs for importing and testing all soils cannot be deducted from the cost estimate.

Ohio EPA will also be conducting a review of the post-closure cost estimates. At this time, however, Ohio EPA has noted several deficiencies in the post-closure cost estimates. The cost estimates do not appear to include the cost for maintenance of the entire facility (mowing, erosion control, etc.), but only for portions of the facility. All portions of the facility must be maintained during the post-closure care period and the costs must be reflected in the estimate. In addition, the post-closure cost estimates do not appear to take into account increased costs due to expansion of the leachate collection and explosive gas control systems.

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 Entity 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, please contact me at (330) 963-1238.

Sincerely,



Judy Bowman  
Environmental Specialist  
Division of Solid and Infectious Waste Management

JB:cl

cc: Fanny Haritos, DSIWM-CO  
Clarissa Gereby, DSIWM-NEDO

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