



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 15, 2007

RE: **NOTICE OF VIOLATION
DISPOSE ALL LANDFILL
COLUMBIANA COUNTY**

CERTIFIED MAIL

Jim Pusateri
Dispose All Refuse, Inc.
P.O. Box 2136
East Liverpool, Ohio 43920

Dear Mr. Pusateri:

On February 9, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive inspection of the closed Dispose All Landfill (Dispose All), located on Dormont Drive in Madison Township, Columbiana County, Ohio. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) Chapter 3734. and Ohio Administrative Code (OAC) Chapter 3745-27, with regard to municipal solid waste landfills. The weather was cold, sunny and breezy, temperature of approximately 8° F. The landfill was mostly snow-covered on this occasion.

Jim Pusateri, representing the facility owner or operator, and Dan Tolmer, representing the owner or operator consultant, were present during this inspection.

A meeting was held concerning the status of the explosive gas monitoring plan which must be submitted and implemented for this facility. Mr. Pusateri introduced Mr. Tolmer who will be creating a new explosive gas monitoring plan for Dispose All. The history of the facility was reviewed, and Mr. Tolmer expressed his intention to request a file review in order to gather information necessary to prepare the plan.

No violations were observed during this inspection of the landfill, however, the following violation continues to be documented for the facility:

1. **Order Number 1 of Director's Final Findings & Orders (DFF&Os) dated July 16, 2002**, which states, "*Respondent (Dispose All) shall achieve compliance with ORC Chapter 3734. and the regulations promulgated thereunder according to the following compliance schedule...Within 30 (thirty) days after the effective date of these Orders, Respondent shall submit an Explosive Gas Monitoring Plan that complies with OAC Rule 3745-27-12.*"

Dispose All is in violation of this rule. Dispose All submitted an Explosive Gas Monitoring Plan within 30 days after July 16, 2002, the effective date of these Orders, however, the plan did not comply with OAC Rule 3745-27-12. Ohio EPA issued a Notice of Deficiency

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(NOD) detailing deficiencies found in the most recent submitted plan on February 19, 2004. The NOD required deficiencies of the plan to be addressed within 30 days. As of the date of this letter, the deficiencies documented in Ohio EPA's February 19, 2004, NOD have not been addressed. The owners of Dispose All are in violation of this Order because an Explosive Gas Monitoring Plan that complies with OAC Rule 3745-27-12 has not been submitted as of the date of this inspection.

Ohio EPA has received no correspondence from ES&C International, LLC, a consultant representing Dispose All, regarding the submittal of an explosive gas monitoring plan which complies with OAC Rule 3745-27-12 since July 30, 2004. In a quarterly report letter dated April 13, 2006, Dispose All notified Ohio EPA that it was meeting with John Evan regarding the progress toward completing the explosive gas monitoring plan. In a May 23, 2006, letter, Dispose All notified Ohio EPA that John Evans of ES&C had been contacted regarding the "urgent need" to finish the explosive gas monitoring plan. This letter also stated that Mr. Evans would be forwarding a letter in the "next day or so." In an August 10, 2006, letter to ES&C, you made the consulting firm aware that Dispose All was terminating their services. In correspondence between Dispose All and Ohio EPA late in 2006, it was made known that a new consultant was being employed to complete the plan. Our February 9, 2007, meeting aided in coming closer to preparing and implementing an explosive gas monitoring plan for this facility. Dispose All must continue to make compliance with the DFF&Os a priority. If Dispose All fails to do so in a timely manner, Ohio EPA will be compelled to escalate enforcement action against Dispose All Refuse, Inc. for failure to comply with the DFF&Os.

In order to return to compliance with this rule, the owners of this facility must immediately submit an Explosive Gas Monitoring Plan which complies with OAC Rule 3745-27-12.

The following was observed during this inspection:

1. The landfill was mostly covered with snow, however, it was documented that the neighbor of the landfill continues to graze horses on the landfill. Mr. Pusateri was again cautioned that allowing this to occur could result in damage to the landfill cap, for which he will be responsible for repairing. Mr. Pusateri indicated that he would speak to the neighbor regarding allowing the horses to graze on grass on the landfill.

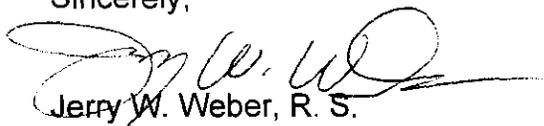
Please correct the above violation immediately, and notify me, in writing, within 15 days of receiving this letter, indicating the measures which have been taken to correct the violation cited above. Failure to correct the above violation could result in additional escalated enforcement action being taken against the owners of this closed municipal landfill facility by Ohio EPA.

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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 owner or operator of Dispose All, or others, 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: John Schmidt, DSIWM-NEDO
Robert Morehead, Health Commissioner, Columbiana County General Health District
File: [Tukel/LAND/Dispose All/COR/15]