



State of Ohio Environmental Protection Agency

Northeast District Office

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

October 31, 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 October 30, 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 sunny with a temperature of approximately 55° F. No one representing the facility owner or operator was present during this inspection.

No violations were observed during this inspection. The following observations were made:

1. During the last inspection the facility owner was cited in violation of Ohio Administrative Code (OAC) Rule 3745-27-13(A) for failing to obtain authorization from the Director of Ohio EPA prior to driving fence posts into the landfill's cap for the purpose of creating a pasture. It was noted during this inspection that all of the fence posts had been removed, and it appeared that the holes had been sealed. The facility owner has returned to compliance with OAC Rule 3745-27-13(A).
2. The landfill had been recently mowed.
3. Two groundhog holes were observed midway up the sideslope on the eastern side of the facility. It was difficult to determine if the holes were active, but the holes should be backfilled with soil at your earliest convenience.

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."*

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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 (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 had 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. On February 9, 2007, a meeting at the landfill was held to discuss the preparation and implementation of an explosive gas monitoring plan for this facility, which is being prepared by Civil & Environmental Consultants, Inc. There had been no contact regarding the explosive gas monitoring plan since that time until your quarterly report to Ohio EPA, dated October 4, 2007. That report indicated that something would be submitted in approximately two weeks. As of the date of this letter, Ohio EPA has not received an Explosive Gas Monitoring Plan that complies with OAC Rule 3745-27-12 from Dispose All.

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.

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 solid waste 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]