OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

January 27, 2009

RE: NOTICE OF VIOLATION
WASTEMASTERS C&DD LANDFILL
AKA LISBON C&DD LANDFILL
AKA RANKIN ENTERPRISES C&DD LANDFILL
COLUMBIANA COUNTY

CERTIFIED MAIL AND 1st CLASS MAIL

Benchmark Credit
c/o Douglas Morrison
3690 Heartwood Ln.
Melbourne, FL 32934-8588

Allan Rankin
PO Box 367
Lisbon, OH 44432

Dear Mr. Morrison and Mr. Rankin:

On January 21, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive inspection of the Wastemasters Construction and Demolition Debris (C&DD) Landfill (Wastemasters), also known as the Lisbon C&DD Landfill, located on Steubenville Pike Road in Center Township, Columbiana County. Columbiana County tax records indicate that you both own portions of this facility where debris has been disposed. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) Chapters 3714. and 3734., and Ohio Administrative Code (OAC) Chapters 3745-400 and 3745-27. The weather was sunny, cold, and blustery with a temperature of approximately 20° F. The landfill was partially snow covered at the time of this inspection. I was not able to speak to anyone at the Rankin residence prior to the inspection.

The Columbiana County General Health District ordered the owner or operator of this facility to cease operations in March 2001. Wastemasters is no longer in operation, however, the landfill has not been closed in accordance with OAC Chapter 3745-400 as of the date of this inspection. It appeared that the owner and/or operator of this facility had not taken any of the steps necessary to comply with the violations cited following Ohio EPA's last inspection on November 18, 2008.

The following violations were identified during this inspection:

1. **OAC Rule 3745-400-11(A)(1):** "*The owner or operator shall comply with the requirements and operational criteria specified in this rule until final closure has been completed in*

accordance with rule 3745-400-12 of the Administrative Code, and the closure certification as required by paragraph (D) of rule 3745-400-08 of the Administrative Code has been submitted to and written concurrence received from the licensing authority, as specified in this paragraph as follows...for active licensed disposal areas, the owner or operator shall comply with all the requirements and operational criteria contained in this rule."

The owner or operator of this facility is in violation of this rule. As evidenced by the detail contained in this Notice of Violation, the owner or operator of this facility is in violation of the following requirements of this rule:

- OAC Rule 3745-400-11(B)(4), Ground Water Monitoring
- OAC Rule 3745-400-11(B)(5), Closure
- OAC Rule 3745-400-11(B)(6), Financial Assurance for Closure

In order to return to compliance with this rule, the owner or operator of this facility must immediately comply with all requirements and operational criteria specified in this rule until final closure has been completed in accordance with rule 3745-400-12 of the Administrative Code, and the closure certification as required by paragraph (D) of rule 3745-400-08 of the Administrative Code has been submitted to and written concurrence received from Ohio EPA, the licensing authority.

2. **OAC Rule 3745-400-11(B)(4):** *"The owner or operator shall comply with the ground water monitoring requirements contained in rule 3745-400-10 of the Administrative Code."*

The owner or operator of this facility is in violation of this rule. The owner or operator of this facility is not complying with the ground water monitoring requirements contained in OAC rule 3745-400-10. Ground water monitoring is not being conducted by the owner or operator of this facility. It was also documented by the Columbiana County General Health District (CCGHD) that results from ground water monitoring which had been conducted in the past by the owner or operator of this facility had not been received in 2002, 2003, or 2004.

In order to reurn to compliance with this rule, the owner or operator of this facility must immediately comply with all requirements of OAC rule 3745-400-10. The owner or operator of this facility must immediately begin conducting ground water monitoring in accordance with this rule. In addition, the owner or operator must submit all ground water data generated during past ground water monitoring events to Ohio EPA.

3. **OAC Rule 3745-400-11(B)(5):** *"The owner or operator shall comply with the closure requirements of rule 3745-400-12 of the Administrative Code."*

   The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator has failed to close the facility in accordance with this rule.

   In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with this rule.

4. **OAC Rule 3745-400-11(B)(6):** *"The owner or operator shall comply with the financial assurance requirements for closure contained in rules 3745-400-13 and 3745-400-14 of the Administrative Code."*

   The owner(s) of this facility is in violation of this rule. The owner(s) of this facility have failed to submit an original signed copy of its closure financial assurance document(s) to Ohio EPA.

   In order to return to compliance with this rule, the owner(s) of this facility must immediately submit to Ohio EPA financial assurance documentation sufficient to assure that this facility will be closed in accordance with OAC rule 3745-400-12.

5. **OAC Rule 3745-400-11(D):** "*The owner or operator shall place and maintain markers defining the limits of the active licensed disposal area.*"

   The owner or operator of this facility is in violation of this rule. The owner or operator of this facility has not maintained markers defining the limits of waste placement at this facility.

   In order to return to compliance with this rule, the owner or operator of this facility must immediately delineate the limits of waste placement at this facility, and place marker defining these limits.

6. **OAC Rule 3745-400-11(N):** "*The owner or operator shall construct the cap system as specified in paragraph (G) of rule 3745-400-07 of the Administrative Code.*"

   The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities, including constructing a cap system as specified by this rule.

In order to return to compliance with this rule, the owner or operator of this facility must immediately construct a cap system as specified by OAC rule 3745-400-07 over all areas where waste was disposed, and closure was not completed and certified.

7. **OAC Rule 3745-400-11(Q)(2):** *"The owner or operator shall grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material and cap system as well as erosion of the cover material and cap system."*

   The owner or operator of this facility is in violation of this rule. On the date of this inspection, areas where water had ponded and erosion channels were observed in various areas of the facility.

   In order to return to compliance with this rule, the owner or operator of this facility must immediately grade the facility and provide drainage systems to insure minimal infiltration of water through the cover material on this landfill by eliminating areas of ponding water and erosion.

8. **OAC Rule 3745-400-11(Q)(3):** *"If ponding or erosion occurs in active or inactive licensed disposal areas, the owner or operator shall correct the conditions causing the ponding or erosion."*

   The owner or operator of this facility is in violation of this rule. On the date of this inspection, areas where water had ponded and erosion channels were observed in various areas of the facility.

   In order to return to compliance with this rule, the owner or operator of this facility must immediately grade the facility and eliminate areas of ponding water and erosion and correct the conditions causing the ponding or erosion.

9. **OAC Rule 3745-400-11(R)(2):** *"The owner or operator shall do the following...maintain and operate the monitoring wells, piezometers and other measurement, sampling and analytical devices to perform to the design specifications in accordance with the ground water monitoring program of rule 3745-400-10 of the Administrative Code throughout the life of the ground water monitoring program."*

   The owner or operator of this facility is in violation of this rule. The owner or operator of this facility is not complying with the ground water monitoring requirements contained in OAC rule 3745-400-10. Ground water monitoring is not being conducted by the owner or operator of this facility. The owner or operator of this facility is not maintaining or operating its monitoring wells in accordance with OAC rule 3745-400-10. It was also

documented by the Columbiana County General Health District (CCGHD) that results from ground water monitoring which had been conducted in the past by the owner or operator of this facility had not been received in 2002, 2003, or 2004.

In order to return to compliance with this rule, the owner or operator of this facility must immediately comply with all requirements of OAC rule 3745-400-10. The owner or operator of this facility must immediately begin conducting ground water monitoring in accordance with this rule. The owner or operator of this facility must also maintain and operate its monitoring wells in accordance with OAC rule 3745-400-10. In addition, the owner or operator must submit all ground water data generated during past ground water monitoring events to Ohio EPA.

10. **OAC Rule 3745-400-11(S):** *"The owner or operator shall establish and maintain financial assurance for closure as required by rule 3745-400-13 of the Administrative Code."*

The owner(s) of this facility is in violation of this rule. The owner(s) of this facility have failed to submit an original signed copy of its closure financial assurance document(s) to Ohio EPA.

In order to return to compliance with this rule, the owner(s) of this facility must immediately submit to Ohio EPA financial assurance documentation sufficient to assure that this facility will be closed in accordance with OAC rule 3745-400-12.

11. **OAC Rule 3745-400-12(B)(7):** *"Final closure of a facility is mandatory when...a facility license has been revoked as a final action of the licensing authority"*

The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator has failed to close the facility in accordance with OAC Chapter 3745-400.

In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with this rule.

12. **OAC Rule 3745-400-12(D):** *"After ceasing to accept debris for disposal or after required mandatory closure in accordance with paragraph (B) of this rule, the owner or operator shall perform final closure activities outlined in paragraph (E) of this rule..."*

The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities outlined in paragraph (E) of rule 3745-400-12 of the Administrative Code. The owner or operator has failed to close the facility in accordance with this rule.

In order to return to compliance with this rule, the owner or operator of this facility must immediately conduct closure activities outlined in paragraph (E) of rule 3745-400-12 of the Administrative Code.

13. **OAC Rule 3745-400-12(E)(4):** *"The owner or operator shall complete the final closure activities for licensed facilities as follows...within sixty days of ceasing to accept debris for disposal, the owner or operator shall cover all uncapped disposal areas with at least six inches of recompacted soil and grade this soil to prevent ponding of water. This soil layer may be considered a part of the cap system required by paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code."*

The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator failed to cover all uncapped disposal areas with at least six inches of recompacted soil and grade this soil to prevent ponding of water in accordance with this rule.

In order to return to compliance with this rule, the owner or operator of this facility must immediately insure that all uncapped disposal areas are covered with at least six inches of recompacted soil and grade this soil to prevent ponding of water.

14. **OAC Rule 3745-400-12(E)(5):** *"The owner or operator shall complete the final closure activities for licensed facilities as follows...within one year of ceasing to accept debris for disposal, the owner or operator shall complete construction of a cap system, as required by paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code, over all areas of debris placement not previously certified in accordance with rule 3745-400-08 of the Administrative Code with the exception of the establishment of dense vegetative cover specified in paragraph (G)(2)(a)(iii) or (G)(2)(b)(ii) of rule 3745-400-07 of the Administrative Code. Establishment of dense vegetation cover specified in paragraph (G)(2)(a)(iii) or (G)(2)(b)(ii) of rule 3745-400-07 of the Administrative Code, shall be completed within two years after ceasing to accept debris."*

The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator did not complete final closure activities within one year of ceasing to accept debris for disposal, and has failed to close the facility in accordance with this rule as of the date of this inspection.

In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with this rule.

15. **OAC Rule 3745-400-12(E)(6):** *"The owner or operator shall complete the final closure activities for licensed facilities as follows...after completion of the cap system specified in paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code, the owner or operator shall properly plug and abandon all ground water monitoring wells..."*

    The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities.

    The owner or operator has failed to close the facility in accordance with OAC Chapter 3745-400, and has not completed the cap system specified in paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code. The owner or operator of this facility also has not properly plugged and abandoned all ground water monitoring wells which exist at this facility.

    In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with OAC Chapter 3745-400, and complete a cap system specified in paragraphs (D) and (E) of rule 3745-400-07 of the Administrative Code. After completion of the cap system, the owner or operator of this facility must properly plug and abandon all ground water monitoring wells which exist at this facility.

16. **OAC Rule 3745-400-12(E)(7):** *"The owner or operator shall complete the final closure activities for licensed facilities as follows...the owner or operator shall file with the appropriate County Recorder a plat of the facility and information describing the acreage, exact location, depth, volume, and nature of the placed debris."*

    The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator has failed to close the facility in accordance with OAC Chapter 3745-400, and has not completed final closure activities by filing a plat of the facility and information describing the acreage, exact location, depth, volume, and nature of the placed debris with the Columbiana County Recorder.

    In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with OAC Chapter 3745-400, and complete final closure activities by filing a plat of the facility and information describing the acreage, exact location, depth, volume, and nature of the placed debris with the Columbiana County Recorder.

17. **OAC Rule 3745-400-12(E)(8):** *"The owner or operator shall complete the final closure activities for licensed facilities as follows...The owner or operator shall record a notation on the deed to the facility property or on another instrument which is examined during title search, alerting in perpetuity any potential purchaser of the property that the land has been used as a construction and demolition debris facility. The notation shall include information describing the acreage, exact location, depth, volume, and nature of the placed debris."*

    The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility failed to conduct closure activities. The owner or operator has failed to close the facility in accordance with OAC Chapter 3745-400, and has not recorded a notation on the deed to the facility property or on another instrument which is examined during title search, alerting in perpetuity any potential purchaser of the property that the land has been used as a construction and demolition debris facility. The notation shall include information describing the acreage, exact location, depth, volume, and nature of the placed debris.

    In order to return to compliance with this rule, the owner or operator of this facility must immediately close this facility in accordance with OAC Chapter 3745-400, and record a notation on the deed to the facility property or on another instrument which is examined during title search, alerting in perpetuity any potential purchaser of the property that the land has been used as a construction and demolition debris facility. The notation shall include information describing the acreage, exact location, depth, volume, and nature of the placed debris.

18. **OAC Rule 3745-400-12(F):** *"All monitoring and reporting activities required during the operating life of the facility shall be continued during the final closure period until the monitoring wells are plugged."*

    The owner or operator of this facility is in violation of this rule. After ceasing operation of this facility in March 2001, the owner or operator of this facility ceased all monitoring and reporting activities which are required during the operating life of a C&DD facility until the monitoring wells are plugged. The owner or operator has failed to close the facility in accordance with OAC Chapter 3745-400, and has not continued all monitoring and reporting activities which are required during the operating life of a C&DD facility until the monitoring wells are plugged.

    In order to return to compliance with this rule, the owner or operator of this facility must continue all monitoring and reporting activities required during the operating life of the facility during the final closure period until the monitoring wells are plugged.

19. **OAC Rule 3745-400-13(A)(1):** *"The owner or operator of a construction and demolition debris facility shall establish and maintain financial assurance for final closure of the facility as required by paragraph (S) of rule 3745-400-11 of the Administrative Code...Financial assurance documentation shall include the amount, in dollars, for final closure of the construction and demolition debris facility and an original copy of the financial instrument(s), necessary to achieve compliance with the financial assurance provisions of this rule..."*

    The owner(s) of this facility is in violation of this rule. The owner(s) of this facility has failed to establish and maintain financial assurance for final closure of this facility as required by paragraph (S) of rule 3745-400-11 of the Administrative Code. Financial assurance documentation shall include the amount, in dollars, for final closure of the construction and demolition debris facility and an original copy of the financial instrument(s), necessary to achieve compliance with the financial assurance provisions of this rule.

    In order to return to compliance with this rule, the owner(s) of this facility must immediately establish and maintain financial assurance for final closure of this facility as required by paragraph (S) of rule 3745-400-11 of the Administrative Code. All financial assurance documentation should be submitted to Ohio EPA, the licensing authority for C&DD facilities located in Columbiana County.

The owner(s) or operator(s) of Wastemasters must immediately take the necessary measures to return to compliance with Ohio's C&DD laws and rules. All of the above violations must be corrected immediately. Please provide notification to me, ***in writing***, within 15 days of receiving this letter, which documents how all of the violations listed above have been corrected. It should be noted that the owner or operator of Wastemasters has failed to respond to any of Ohio EPA's previous inspection reports.

The owner(s) or operator(s) of this facility have failed to correct the above violations and to comply with all applicable state C&DD laws and rules as of the date of this inspection. Failure to address the above-mentioned violations may result in escalated enforcement action against the owner(s) and operator(s) of this facility.

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(s) or operator(s) of Wastemasters, 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: File: [Kurko/CONS/Wastemasters/COR/15]

ec: Matt Boyer, DSIWM-CO
Lori Barnes, Columbiana County General Health District