



State of Ohio Environmental Protection Agency

Northeast District Office

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

May 4, 2009

RE: PORTAGE LANDFILL &  
DEVELOPMENT COMPANY  
NOTICE OF VIOLATION

**CERTIFIED MAIL**

Waldo Sober  
2908 Tallmadge Road  
Ravenna, OH 44266

Dear Mr. Sober:

On April 14, 2009, I (Jarnal Singh), representing the Ohio Environmental Protection Agency (Ohio EPA), accompanied Adam Harris of the Portage County Health Department in an inspection of the Portage Landfill & Development Co. (Portage Landfill) located at 2898 Tallmadge Road, in Portage County, Ohio. As you are aware, the site is a former municipal solid waste landfill that failed to conduct proper closure activities. Pursuant to Portage County Common Pleas Court Final Entry Judgment dated June 22, 1998, Defendants Janic, Inc. and John Hoffman are responsible for *"closure activities at the landfill under supervision of Ohio EPA and the Portage County Combined General Health District, in accordance with OAC 3745-27-10(C) of the 1976 rules, and must provide ground water monitoring and explosive gas monitoring at the site as set forth in the 'Referee Report and Recommendation' filed on March 15, 1993."*

Upon our visit to the site, we observed that approximately two thirds (2/3) of the landfill's top surface was covered with freshly placed (and graded) soil. Newly placed fill and soil material in some areas was observed to be 3-5 feet in depth and included items such as rocks, bricks, burnt wood debris and other clean hard fill materials. A pile of mixed demolition debris in the form of roofing shingles, lumber, sheet metal, cast iron piping, and other solid waste items such as scrap tires and an old truck bed was open dumped on the western section of the landfill. An area measuring approximately 150 x 80 x 3 feet high of clean hard fill (concrete, block, brick, asphalt etc) was also placed on the surface in the middle of the landfill.

The above mentioned activities are in violation of the following requirements:

- 1) **Ohio Administrative Code (OAC) 3745-27-13(A)** which states, *"No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule."*

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Grading and filling activities being conducted on the Portage Landfill property have not been authorized pursuant to OAC 3745-27-13. You are therefore in violation of OAC 3745-27-13 for failing to obtain authorization prior to engaging in filling and grading on the landfill property. All such activities must cease until authorization is obtained from Ohio EPA.

- 2) **OAC 3745-400-04(B)** which states, *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

Demolition debris in various forms (*lumber, roofing shingles, sheet metal, piping, conduit, drain tile etc*) was illegally disposed of on top of the landfill property.

- 3) **Ohio Revised Code (ORC) Section 3734.03** which states in part, *"No person shall dispose of solid wastes by open burning or open dumping," and*

**OAC 3745-27-05(C)** which states *"No person shall conduct, permit or allow open dumping."*

Solid waste in the form of scrap tires, a truck bed, plastic buckets etc, was open dumped on the landfill's surface. The Portage Landfill property is not permitted or licensed as a solid waste disposal facility pursuant to ORC Chapter 3734

- 4) **OAC 3745-400-05(C)** which states, *"The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written 'Notice of Intent to Fill' to each licensing authority where the clean hard fill is to be placed. The Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification."*

A Notice of Intent to Fill has not been submitted to the Portage County Health Department for the use of clean hard fill at Portage Landfill. You are therefore in violation of OAC 3745-400-05(C) for failing to submit a Notice of Intent to Fill to the licensing authority.

All unauthorized filling and grading activities at the Portage Landfill property must immediately cease. All demolition debris and solid waste must be removed and properly disposed of at an appropriately licensed waste disposal facility.

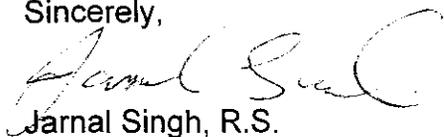
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Please provide a written response, within 7 days of your receipt of this letter, indicating what actions have been or are being taken to address the above cited violations. Also indicate your intentions for this property and identify the persons and/or organizations who conducted the filling/grading activities. All waste disposal receipts must be kept for inspection by Ohio EPA and the Portage County Health Department.

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 concerning this notice of violation, or wish to meet to discuss this property, please contact me at (330) 963-1276.

Sincerely,



Jarnal Singh, R.S.

Environmental Specialist  
Division of Solid and Infectious Waste Management

JS:cl

cc: Carl Mussenden, DSIWM, CO  
DuWayne Porter, Commissioner, Portage County Health Department  
File: [Sowers/LAND/Portage LF/COR/67]

ec: Tim Kern, AGO  
Kate Barcalow, AGO

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