



State of Ohio Environmental Protection Agency

Northeast District Office

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

April 9, 2008

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 April 7, 2008, 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 mostly sunny and breezy with a temperature of approximately 60° F. No one representing the facility owner or operator was present during this inspection.

The following violations were observed during this inspection:

1. **OAC Rule 3745-27-14(A)(2)**: *"Post-closure care activities for a sanitary landfill facility shall include, but are not limited to the following: Maintaining the integrity and effectiveness of the cap system, including making repairs to the cap system as necessary to correct the effects of settling, dead vegetation, subsidence, ponding, erosion, leachate outbreaks, or other events, and preventing run-on and runoff from eroding or otherwise damaging the cap system."*

During this inspection one small leachate outbreak was observed on the southern slope of the landfill, and several larger leachate outbreaks were observed on the western slope of the landfill. In addition, two large areas of ponding water were observed on the northern slope of the landfill near the fence line.

Dispose All is in violation of this rule because it has failed to maintain the integrity and effectiveness of its cap system by making repairs to correct the effects of ponding and leachate outbreaks.

In order to return to compliance with this rule Dispose All must repair all leachate outbreaks and areas of ponding water on its landfill. The following are pictures depicting the violations, as well as the areas where they were found to exist during this inspection.



Picture of leachate outbreak on south slope of landfill, facing south.



Picture of leachate outbreak on west slope of landfill, facing west (see house in background)

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Picture of leachate outbreak on west slope of landfill, facing north (see tree stand in tree in background – located in northwest corner of facility)

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Picture of ponded water on north slope of facility, facing north (see fence line and large tree in background for location)



One area of ponded water on north slope of landfill. A second area is located to the west (or to left in this picture).

2. **OAC Rule 3745-27-14(A)(3)**: *Post-closure care activities for a sanitary landfill facility shall include, but are not limited to the following: Repairing any leachate outbreaks detected at the sanitary landfill facility by doing the following:*
 - (a)** *Contain and properly manage the leachate at the sanitary landfill facility.*
 - (b)** *If necessary, collect, treat, and dispose of the leachate, including, if necessary, following the contingency plan for leachate storage and disposal prepared pursuant to rule 3745-27-19 of the Administrative Code.*

(c) *Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."*

During this inspection one small leachate outbreak was observed on the southern slope of the landfill, and several larger leachate outbreaks were observed on the western slope of the landfill.

Dispose All is in violation of this rule because it has failed to contain and properly manage leachate at the facility.

In order to return to compliance with this rule Dispose All must repair all leachate outbreaks on its landfill. Dispose any actions necessary to eliminate any conditions which may be contributing to the production of leachate at the landfill.

The following observations were made during this inspection:

1. It appeared that off road vehicles had accessed the facility sometime in the past. New fencing on the north side of the landfill appeared to have been added to impede future intrusions.
2. Some areas on top of the landfill where re-contouring was previously done still are exhibiting sparse vegetation. If these areas do not self-vegetate over the course of the Spring and Summer, over-seeding may be necessary to achieve a vegetative growth.

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 (NOD) detailing deficiencies found in the plan submitted on February 19, 2004. The NOD required deficiencies of the plan to be addressed within 30 days. Dispose All responded to the NOD in a submittal dated November 28, 2007. Ohio has not yet reviewed the November 28, 2007, submittal to determine if all deficiencies have been addressed and if the submittal complies with OAC Rule 3745-27-12 as required by the DFF&Os.

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In order to return to compliance with this rule, the owners of this facility must submit an Explosive Gas Monitoring Plan which complies with OAC Rule 3745-27-12. Ohio EPA will notify Dispose All immediately upon determining if the current submittal of the Explosive Gas Monitoring Plan complies with OAC Rule 3745-27-12 as required by the DFF&Os.

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 Hujar, DSIWM-NEDO
Robert Morehead, Health Commissioner, Columbiana County General Health District
File: [Princic/LAND/Dispose All/COR/15]

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