



State of Ohio Environmental Protection Agency

Northeast District Office

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

January 9, 2008

**RE: NOTICE OF VIOLATION  
EXPLOSIVE GAS MONITORING REPORT  
HARVARD REFUSE LANDFILL  
CUYAHOGA COUNTY**

**CERTIFIED MAIL**

Stanley Lojek, President  
Harvard Refuse, Inc.  
7720 Harvard Avenue  
Cleveland, OH 44105

Dear Mr. Lojek:

This letter provides a notice of violations and comments regarding the December 2007 explosive gas monitoring report for Harvard Refuse Inc. (HRI). HRI includes a solid waste landfill located at 7720 Harvard Avenue, cities of Cleveland, Cuyahoga Heights, and Garfield Heights, Cuyahoga County. The monitoring reports were submitted in three parts: West report includes 47 monitor wells, East report includes 46 monitor wells, and Dorver Avenue report includes 8 monitor wells. The reports indicate that all wells were sampled on December 1, 2007. NEDO received the reports on December 12, 2007. Below are the violations and comments.

**Violations**

1. **Ohio Administrative Code (OAC) 3745-27-12(E)(2)(a) and (b)** states, *"The following parameters shall be monitored at all permanent monitor locations and punch bar stations, as noted, in the following order: (a) Gas pressure in the permanent monitor. (b) Initial combustible gas concentration in per cent methane by volume (% CH<sub>4</sub> v/v). The monitoring equipment shall have a detection limit below twenty-five percent of the lower explosive limit. For the purposes of this rule "initial" means immediately after the gas pressure measurement so as not to inadvertently vent the monitor.*

*[Comment: The monitor should not be vented prior to measuring the concentration of combustible gas.]"*

Each monitor needs to have a cap and sampling port in order to measure gas pressure at each monitor. HRI is in violation of the above rule because not all of the monitors have caps and sampling ports. HRI must complete the installation of caps and sampling ports on all monitors in order to be able to comply with the above rule.

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To achieve compliance, future explosive gas monitoring reports must include gas pressure in each monitoring well. Page 15 of the approved explosive gas monitoring plan (EGMP), dated July 2003, also indicates that the monitoring parameters will include gas pressure in the monitor.

2. **Condition 1 of the approved EGMP.** Page 15 states, *"The explosive gas permanent monitors will be monitored at least weekly until the Ohio EPA grants authorization to cease monitoring."*

In addition, Condition 1 of the EGMP approval, dated August 4, 2003, states, *"The explosive gas monitoring plan shall be implemented at the Harvard Refuse Landfill, in accordance with the plan titled "Explosive Gas Monitoring Plan for the Harvard Refuse Landfill", dated July 2003. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval."*

HRI is in violation because the current monitoring frequency is not weekly as specified in the EGMP approval. Currently, Ohio EPA has been receiving quarterly explosive gas monitoring reports. To achieve compliance, HRI must submit weekly monitoring reports or request a change to the monitoring frequency specified in the EGMP.

### Comments

1. Ohio EPA recommends the following changes to the monitoring report form:
  - A. Near the top of each report form, there is an entry for "Last Calibrated:" The Dorver Avenue results have a calibration date of November 24, 2007. The other two reports (east and west) have a calibration date of December 1, 2007. The three reports share the same monitoring date. Therefore, the calibration date should be the same.
  - B. Near the top of each report form, there was no entry for "Calibration Gas." Please indicate the calibration gas on all future monitor reports.
  - C. The Dorver area report and East area reports have O's (not 0's) for all readings in the gas pressure column labeled "Pressure In. H2O." In addition, the West area report has 0's for all readings in the gas pressure column labeled "Pressure In. H2O." It is unclear if this means that the pressure readings could not be taken due to a lack of a cap and sampling port or the

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actual reading was zero. Ohio EPA recommends that when a monitor well does not yet have a cap with a sampling port, please indicate "NS" for no sample in the "Pressure In. HO" column.

2. This comment is regarding the explosive gas management documentation. Ohio EPA's letter dated June 30, 2005, states in part, *"In closing, Ohio EPA notes that an existing flare was relocated approximately 300 feet south/southeast of its former location on the Cleveland unit of the facility. During our site visits during the week of June 20, 2005, it is Ohio EPA's understanding that this particular flare was relocated approximately a year ago. It is also unknown if any of the flares for the gas collection and control system have air emissions permits. Please note that installation or relocation of any landfill flare in Cuyahoga County typically requires authorization from both city of Cleveland Division of Air Pollution Control as an air emissions source, and from Ohio EPA DSIWM as a change to any document(s) which authorized the explosive gas extraction and control system, or some additional authorization from either Ohio EPA or U.S. EPA. Please provide documentation of the necessary authorizations secured to relocate this flare."*

HRI must provide plan drawings of the existing explosive gas management systems at all sections of the solid waste landfill and respond to Ohio EPA's letter dated June 30, 2005.

3. The explosive gas monitoring certification report is not complete. The violations and deficiencies regarding the certification report were listed in Ohio EPA's letter, dated December 7, 2007. Please provide the requested information needed to complete the certification report. In brief, the violations related to the certification report are:
  - a. Condition 1 of the August 4, 2003 authorization
  - b. Condition 2 of the August 4, 2003 authorization
  - c. Condition 3 of the August 4, 2003 authorization
  - d. Condition 6 of the August 4, 2003 authorization
  - e. OAC 3745-27-12(A)(3)

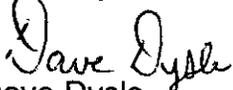
In addition, Ohio EPA's letter lists four deficiencies and three comments.

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 HRI 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.

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If you have comments or questions concerning this review, please feel free to contact me at (330) 963-1286.

Sincerely,

  
Dave Dysle

Environmental Specialist  
Division of Solid and Infectious Waste Management

DD:cl

cc: John Schmidt, DSIWM, NEDO  
Melinda Berry, DSIWM, CO  
Annie Snyder, City of Cleveland Health Department  
Dane Tussel, Cuyahoga County Board of Health  
David Hearne, City of Cleveland Division of Air Pollution Control  
File: [Sowers/Land/Harvard Refuse/EXP/18]

DSIWM #1051

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