



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

November 2, 2009

**RE: NOTICE OF VIOLATION/DEFICIENCY
EXPLOSIVE GAS MONITORING PLAN
DISPOSE-ALL REFUSE LANDFILL**

CERTIFIED MAIL

James Pusateri
Dispose-All Refuse, Inc.
P.O. Box 2136
East Liverpool, OH 43920

Dear Mr. Pusateri:

On November 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA) received the document titled, "Explosive Gas Monitoring Plan, Dispose All Landfill Columbiana County, Ohio". This document, dated November 2007, was prepared by Civil and Environmental Consultants, Inc. on behalf of Dispose All Refuse, Inc. (Dispose All), East Liverpool, Ohio. The Dispose All Landfill is a closed municipal solid waste disposal facility located on Dormont Avenue Extension, Madison Township, Columbiana County. The landfill is currently owned by Dispose All. The Dispose All Landfill commenced operations prior to 1968, and it and ceased operations on or about February 29, 1988. The landfill was licensed by the Columbiana County Health Department from about 1970 to 1988.

Background

As a licensed solid waste disposal facility operating on or after October 1970, The Dispose All Landfill is subject to the explosive gas monitoring requirements of Ohio Administrative Code (OAC) Rule 3745-27-12. On March 6, 1989, Dispose All Refuse, Inc. submitted an explosive gas monitoring plan. Ohio EPA issued notices of deficiency for the 1989 plan on December 13, 1990, and March 1, 1993. Dispose All Refuse, Inc. was issued notices of violation for failing to revise its plan on December 14, 1998, and November 2, 2001.

On July 16, 2002, Ohio EPA ordered Dispose All Refuse, Inc. to submit an explosive gas monitoring plan within 30 days of the date of the orders. Any deficiencies must also be corrected within 30 days of notification of said deficiencies. Engineering Services and Consultants, Inc. submitted an explosive gas monitoring plan on behalf of Dispose All Refuse on August 16, 2002. The submittal represented an explosive gas monitoring plan prepared in accordance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective June 1, 1994, as well as a response to the July 16, 2002 Director's Final Findings & Orders. Dispose All was notified to revise its plan through a notice of deficiency dated January 22, 2003.

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On February 21, 2003 Ohio EPA received revisions to the plan in response to the January 22, 2003 notice of deficiency. Dispose All was notified to revise the February 21, 2003 plan through a notice of deficiency dated February 19, 2004.

On November 28, 2007, Ohio EPA received the plan reviewed in the attachment to this letter.

Based upon information contained in Ohio EPA files, it appears the owner/operator of this facility has not implemented the explosive gas monitoring plan, and has not conducted explosive gas monitoring at the site. Also, the site does not contain an explosive gas extraction and control system.

Ohio EPA's comments and deficiencies are included as Attachment 1. All attached deficiencies and comments must be addressed in order for Ohio EPA to continue the review process. After all deficiencies have been addressed, additional complete copies of the plan must be submitted prior to recommending its approval.

Violation

As a result of failing to submit an explosive gas monitoring plan in accordance with the July 16, 2002, Director's Final Findings & Orders, the following violation continues to exist for Dispose All Refuse, Inc.:

Order Number 1 of Director's Final Findings & Orders (DFF&Os) dated July 16, 2002:

"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 submitted an Explosive Gas Monitoring Plan within 30 days after July 16, 2002, the effective date of these DFF&Os, however, the plan did not comply with OAC Rule 3745-27-12. Therefore, Dispose All remains in violation of Order Number 1 of the July 16, 200, DFF&Os.

Please respond with the appropriate revisions no later than 30 days from the date of this letter, in accordance with Order Number 2 of the DFF&Os. Failure to respond may lead to escalated enforcement action.

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If you have comments or questions concerning this review, please feel free to contact me at (330) 963-1274.

Sincerely,



Jerry W. Weber, R.S.
Environmental Specialist 2
Division of Solid and Infectious Waste Management

JWW:cl
Attachments

cc: Judy Bowman, DSIWM-NEDO
John Hujar, DSIWM-NEDO
Dan Tolmer, CEC, Inc.
File: [Kurko/COUN/Dispose All Refuse/EXP/15]

ec: Lori Barnes, Columbiana County General Health District

Project # 1007

Attachment 1, Notice of Deficiency
Dispose All Refuse Landfill Explosive Gas Monitoring Plan
November 2007, Received November 28, 2007

Ohio EPA has reviewed the November 2007 Explosive Gas Monitoring Plan for the Dispose-All Landfill for compliance with Ohio Administrative Code (OAC) Rule 3745-27-12, effective August 15, 2003, and has identified the following deficiencies:

1. OAC Rule 3745-27-12(C): *"The "explosive gas monitoring plan" shall contain the items specified in paragraphs (D) and (E) of this rule."*

The plan does not contain all the information required by OAC Rules 3745-27-12(D) and (E), as outlined in this letter. Please revise the plan to address these deficiencies.

2. OAC Rule 3745-27-12(D)(2)(b): *"For a sanitary landfill facility subject to paragraph (A) of this rule, the content of the explosive gas monitoring system design document shall include....Legal description of landfill property..."*

Page 2 of the document indicates the legal descriptions can be found in appendix G, however the legal description is located in appendix F.

3. OAC Rule 3745-27-12(D)(2)(c)(iv): *"For a sanitary landfill facility subject to paragraph (A) of this rule, the content of the explosive gas monitoring system design document shall include...Discussion characterizing all potential explosive gas migration pathways identified in paragraphs (D)(2)(a)(v) and (D)(2)(c)(vi) of this rule and their associated explosive gas hazard."*

Ohio EPA previously reviewed a plan submitted by Engineering consultants and Services, Inc. on February 21, 2003. In the February 19, 2004, Notice of Deficiency for that submittal, Ohio EPA stated "Page 3-7 of the explosive gas monitoring system design document references that there are three monitoring wells that are no longer used for the collection of ground water data, and references the location of these wells is shown on Figure Y01320-06 as "invalid well." Please verify the current status of each of these three wells. Abandoned wells must be abandoned in accordance with OAC Rules 3745-9-10 and 3745-27-10. Please submit the well abandonment log for each well. If these wells have not been abandoned, the wells will continue to act as potential explosive gas migration pathways, as well as pathways for potential contamination of ground water."

The plan submitted on November 28, 2007 by Civil and Environmental Consultants, Inc. makes no mention of these wells. Please explain.

4. OAC Rule 3745-27-12(D)(3)(c): *"For a sanitary landfill facility subject to paragraph (A) of this rule, the content of the explosive gas monitoring system design document shall include...Discussion of historical operations of landfill, including dates of origin, operation, and closure, previous landfill ownership, previous landfill operators, and previous or current regulatory authorizations granted for the site."*

This information is provided on page 6 of the document. The plan does not discuss the rules under which the facility would have completed closure (OAC Chapter 3745-27, effective July 29, 1976). The plan should include the dates when closure activities commenced and were completed. Previous and current regulatory authorizations granted for the site must also be listed, and includes permits, licenses, and orders issued by the Columbiana County Board of Health, Ohio EPA, and others. Authorizing documents include, but are not limited to solid waste facility licenses and any approved operational reports and closure plans.

5. OAC Rule 3745-27-12(D)(3)(d): *“For a sanitary landfill facility subject to paragraph (A) of this rule, the content of the explosive gas monitoring system design document shall include...Discussion of any records or information regarding the type of wastes disposed of at the site.”*

The statement provided on page 6 of the document does not provide a reference to the specific records or information used to arrive at the conclusion that “Waste materials disposed at the site included municipal and commercial refuse, non-hazardous sludges, iron ore dust, construction and demolition debris, and other non-hazardous industrial wastes.” In addition, please include all information relative to types of wastes disposed at this facility from 1970 to 1973.

6. OAC Rule 3745-27-12(D)(3)(e): *“For a sanitary landfill facility subject to paragraph (A) of this rule, the content of the explosive gas monitoring system design document shall include...Discussion of site construction details to include the type and characteristics of the liner (if any), type and characteristics of final cover, and an evaluation of existing cover conditions.”*

The statement provided on pages 6 & 7 of the document does not provide an evaluation of the existing cover. The plan must include a description of the final cover system as installed in accordance with closure that occurred in 1988, and an evaluation of existing (current) cover conditions.

7. OAC Rule 3745-27-12(E)(1)(a) *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Monitoring frequency. Permanent monitors and punch bar stations shall be monitored...Quarterly, except as specified in paragraphs (E)(1)(b) to (E)(1)(d) of this rule.”*

The statement on page 10 of the document indicates that in accordance with paragraph (E)(1)(d), semi-annual monitoring will be performed after the first year of quarterly monitoring is completed. The Dispose All Landfill does not qualify for this reduction in monitoring frequency. Paragraph (E)(1)(d) clearly states that a facility must be subject to paragraph (A)(1) **AND** regulated under Chapters 3745-29 or 30.

The Dispose All Landfill is regulated under Chapter 3745-27. Please remove the reference to semi-annual monitoring from the plan.

8. OAC Rule 3745-27-12(E)(1)(c): *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Monitoring frequency. Permanent monitors and punch bar stations shall be monitored...For a sanitary landfill facility subject to paragraph (A)(2) of this rule, semiannually between the end of five years' post-closure and the director's granting authorization under paragraph (G) of this rule to cease monitoring...”*

The statement on page 10 of the document indicates that in accordance with paragraph (E)(1)(d), semi-annual monitoring will be performed after the first year of quarterly monitoring is completed. The Dispose All Landfill does not qualify for this reduction in monitoring frequency. Paragraph (E)(1)(d) clearly states that a facility must be subject to paragraph (A)(1) **AND** regulated under Chapters 3745-29 or 30. The Dispose All Landfill is regulated under Chapter 3745-27. Please remove the reference to semi-annual monitoring from the plan.

9. OAC Rule 3745-27-12(E)(5)(b): *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall provide for...Detailed step-by-step discussion of how appropriate authorities will be notified upon the detection of explosive gas which equals or exceeds the explosive gas threshold limits in paragraph (E)(5)(a) of this rule, including, if appropriate, telephone numbers. The person identified in paragraph (A) of this rule shall immediately notify the appropriate local public safety authorities such as the local health district, fire department, police department, and the appropriate Ohio EPA district office...”*

This information is provided on page 13 of the document, however, the following statement, “If the Ohio EPA determines that the concentration of explosive gas is of concern, additional punch bard samples will be collected in the vicinity of concern to determine the extent of gas migration...” must be removed. Procedures to be implemented upon finding explosive gas concentrations above the threshold limit are prescribed by rule and not contingent upon Ohio EPA expressing concern. In addition, the statement that public safety authorities will be notified within two business days must also be removed. The rule requires that public safety authorities be notified immediately, not within two business days.

10. OAC Rule 3745-27-12(E)(5)(d): *The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall...Describe any additional monitors to be installed. [Comment:] The additional monitors may be monitoring wells, alarms, or use of a punch bar."*

This information is provided on page 13 of the document, however, the following statement, "Additional gas monitoring punch bar stations may be installed to ensure that potential gas migration can be monitored at the request of the Ohio EPA..." must be removed. Additional monitors must be installed to ensure that gas migration can be monitored whether or not Ohio EPA makes a request. If gas levels at any monitoring location exceed the threshold for a given period of time or do not decrease with each weekly monitoring event, then additional monitoring wells, alarms or punch bar stations must be installed to determine the extent of migration. The plan must indicate that upon triggering into contingency monitoring, additional monitors will be installed to determine rate and extent of explosive gas migration, as required by rule.

11. OAC Rule 3745-27-12(E)(5)(f): *"The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall provide for...Detailed discussion of steps to be taken to ensure protection of human health and the environment. [Comment:] This may include an escalating course of action such as adjusting the active gas extraction system, installation of alarms in buildings, installation of vents or barriers or expanding the active gas extraction system, to installation of a new active gas extraction system. For a sanitary landfill facility subject to paragraph (A)(1) of this rule, as the steps are implemented, the closure and post-closure cost estimates may need to be updated in accordance with rule 3745-27-15 of the Administrative Code. If at any point it appears that the steps as approved in the "explosive gas monitoring plan" are not effective in protecting human health and the environment, the director may issue orders to take further actions pursuant to paragraph (I) of this rule."*

The information provided in response to this rule on page 14 of the document is not a detailed discussion of steps to be taken. It is a general statement that steps will be taken to ensure protection of human health and the environment. The discussion should be revised to include details about the possibility of installing alarms, vents or barriers, or an active gas extraction system. Steps may also include, but are not limited to installation of an active or passive gas extraction and control system, installation of barriers, or other measures as appropriate.

12. OAC Rule 3745-27-12(E)(5)(g)(ii): *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall provide for...Detailed discussion of reporting procedures...Every thirty days from the date of the initial detection of explosive gas concentrations above the threshold limit, until the criteria to no longer follow contingency procedures are met, submit to the appropriate Ohio EPA district office and the local health district...”*

This information is provided on page 14 of the document, but must be revised to indicate that a report will be submitted EVERY 30 DAYS instead of WITHIN 30 DAYS.

13. OAC Rule 3745-27-12(E)(5)(g)(iii)(b): *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall provide for... Detailed discussion of reporting procedures...When criteria to no longer follow contingency procedures are met, submit to the appropriate district office of Ohio EPA and the local health district a report containing... Consideration of possible causes of the increase in gas concentrations, such as landfill operational procedures, gas control system failure or upset, climatic conditions, or closure activity.”*

The statement on page 14 of the document that “All reports regarding the Contingency Plan shall be submitted to the Operating Record in accordance with OAC 4745-27-09 and 3745-27-12(K),” should be removed since this facility does not have an Operating Record.

14. OAC Rule 3745-27-12(E)(6)(d): *“The explosive gas monitoring, sampling and reporting procedures document shall be written with such detail and clarity as to be readily understandable by monitoring personnel conducting sampling at the site. Appropriate sections and appendices shall be referenced in the text...This document shall address the following areas...Contingency procedures which shall provide for... Appendix D: reserved for the certification report required under paragraph (F) of this rule...”*

The text in appendix D makes reference to certification reports required by OAC 3745-27-12() and an Operating Record instead of paragraph (F) of this rule. Please make the appropriate corrections.

15. OAC Rule 3745-27-12(F): *“Upon installation of new or replacement permanent monitors, a certification report shall be submitted with the initial reporting of the monitoring results in accordance with the approved ‘explosive gas monitoring plan’.”*

The text on page 15 of the document makes reference to an Operating Record and should be removed since this facility does not have an Operating Record.

Ohio EPA offers the following recommendation concerning the plan:

1. OAC Rule 3745-27-12(E)(5)(b) – Notification of Authorities. It is recommended that the following telephone numbers be added to those listed on page 13 of the plan:

Ohio EPA Northeast District Office: (800) 686-6330 (business hours)
Statewide Spill Reporting: 24-hour response number: (800) 282-9378 in Ohio

7009 1680 0000 6383 2722

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g.w.w.
11-2-09

Sent To: *Jim Pusateri*
 Street, Apt. No.,
 or PO Box No. *Respose All Refuse*
 City, State, ZIP+4