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HARRISON COUNTY
FAC –MARTIN LANDFILL

INTEROFFICE COMMUNICATION

TO: Martin Landfill Facility, ID# 34-00-03, Public File, DSIWM/SEDO

FROM: Bob Murphy, SEDO/DSIWM

SUBJECT: May 28, 2008, Semi-Annual Inspection

DATE: June 26, 2009

This IOC memorializes SEDO/DSIWM's May 28, 2009, inspection of the Martin Landfill, located in Harrison County. This inspection, conducted by Bob Murphy, documents the conditions of the landfill that existed on the dated of the inspection. This inspection of the Martin Landfill was performed to determine compliance with closure requirements as stipulated in OAC Rule 3745-27-11.

This inspection is reported as an Interoffice Communication (IOC) to the public file for this facility due to the following:

Jack and Ethel Martin owned and operated the Martin Landfill from 1976 to 1987. In 1987, the Martins sold the landfill to Landfill Resources Incorporated (LRI). LRI merged with Martin Landfill Corporation in 1989. Neither Jack nor Ethel Martin own any stock or hold an interest in Martin Landfill Corporation (MLC).

On December 13, 1991, unilateral Director's Final Findings and Orders (DFFO) were issued to MLC for numerous violations of Ohio's solid waste laws. The DFFO required, among other things, formal closure of the Martin Landfill. MLC appealed the issuance of the DFFO to the Environmental review Appeals Commission (ERAC). On July 11, 2001, ERAC dismissed the appeal.

An invitation to negotiate was sent to Mr. Martin on June 19, 2002. Mr. Martin's attorney documented that Mr. Martin is in poor health and cannot pay for closure activities. The Martins do not own the property on which the landfill is located. Consequently, the Ohio EPA and the Attorney General's Office are in agreement that this case should not be pursued and the case is being referred back to Ohio EPA. Both the Ohio EPA and the Attorney General's Office also agree that the Martin Landfill should be a candidate for a supplemental environmental project.

Since the Martin Landfill has not closed in accordance with Ohio's 1990 solid waste regulations, it now must close per the 1994 solid waste regulations. To date, no effort has been made to close this facility in accordance with OAC Rule 3745-27-11.

If by June 1, 1994, the owner/operator has not completed the closure activities required under paragraph (M) of OAC Rule 3745-27-11 and certified closure is completed pursuant to paragraph (M)(3), the owner/operator shall comply with paragraph (F) of this Rule in lieu of paragraph (M) and also comply with paragraphs (G), (H), (I) and (J) of Rules 3745-27-10 and 3745-27-16 of the Administrative Code. Violations of numerous solid waste regulations were observed by SEDO/DSIWM during the March 27, 2008, inspection. Specifically:

1. OAC Rule 3745-27-11(F) - the owner or operator shall begin final closure activities, for all contiguous units or for each noncontiguous unit of the sanitary landfill facility, not later than seven days after any of the occurrences in paragraph (C) of this rule. Final closure for all units of a sanitary landfill facility shall include, at a minimum, the items specified in paragraphs (G) and (H) of this rule.

2. OAC Rule 3745-27-11(G)(4) - if closure of the sanitary landfill facility is in accordance with paragraph (M) of the June 1, 1994, effective version of rule 3745-27-11 of the Administrative Code, the owner or operator shall construct a cap in accordance with rule 3745-27-08 of the Administrative Code. To date, the owner/operator has failed to construct a final cap system in accordance with the above cited rule. Therefore, violations of OAC Rule 3745-27-11(G)(4) currently exist.

3. OAC Rule 3745-27-11(H)(1) - the operator or operator shall continue to comply with OAC Rule 3745-27-19 of the Administrative Code and all monitoring and reporting activities required during the operating life of the units of the sanitary landfill facility until the closure certification is submitted and the post closure care period begins.

   Since the owner/operator failed to continue to conduct all monitoring and reporting activities required during the operating life of the units of the sanitary landfill, violations of OAC Rule 3745-27-11(H)(1) currently exist.

4. OAC Rule 3745-27-11(H)(2) - the owner or operator shall install the required surface water control structures including permanent ditches to control run-on and runoff and sedimentation ponds, as shown in the final closure/post closure plan, and as necessary, grade all land surfaces to prevent ponding of water where solid waste has been placed and institute measures to control erosion. Since the owner/operator have not conducted the required grading of land surfaces to prevent ponding of water where solid waste had been placed, or instituted measures to control erosion, violations of OAC Rule 3745-27-11(H)(2) currently exist.

5. OAC Rule 3745-27-11(H)(3) - the owner or operator shall design and install a ground water monitoring system in accordance with 3745-27-10 of the Administrative Code, if a system is not already in place. Since the owner/operator have not designed and installed a ground water monitoring system in accordance with OAC Rule 3745-27-10, violations OAC Rule 3745-27-11(H)(3) currently exist.

6. OAC Rule 3745-27-11(H)(6) - upon ceasing acceptance of waste in all units of a sanitary landfill facility, the owner or operator shall post signs, in such a manner as to be easily visible from all access roads leading onto the sanitary landfill facility, stating in letters not less than three inches high that the sanitary landfill facility no longer accepts solid waste. Signs shall be maintained in legible condition for not less than two years after final closure activities have been completed. This paragraph shall not apply to sanitary landfill facility's owner and permitted by a generator of solid wastes if the sanitary landfill facility exclusively disposes of solid waste generated at the premises owned by the generator. Since the required sign, described above, has not been posted and final closure activities have not been completed, violations of OAC Rule 3745-27-11(H)(6) currently exist.

7. OAC Rule 3745-27-11(H)(7) - upon ceasing acceptance of waste in all units of a sanitary landfill facility, the owner or operator shall block by locked gates, fencing, or other obstacles, all entrances and access roads to the sanitary landfill facility to prevent unauthorized access during the final closure and post closure period. Access to the facility is not restricted. Therefore, violations of OAC Rule 3745-27-11(H)(7) currently exist.

8. OAC Rule 3745-27-11(I) - final closure activities shall be completed not later than one hundred eighty (180) days after any of the occurrences in paragraph (C) of the rule, unless an alternative schedule has been approved by the director. Final closure activities have not been completed not later than one hundred eighty (180) days after any of the occurrences in paragraph (C) of the rule. Therefore, violations of OAC Rule 3745-27-11(I) currently exist.

9. OAC Rule 3745-27-12 - the owner/operator of the Martin Landfill has not submitted an explosive gas monitoring plan as required by OAC Rule 3745-27-12, effective August 15, 2003. Therefore, violations of OAC Rule 3745-27-12 currently exist.

10. OAC Rule 3745-27-19(G)(1) - to minimize infiltration, the owner or operator shall apply intermediate cover to all filled areas of a sanitary landfill where additional waste is not to be deposited for at least thirty days. The director may approve the use of some alternative time period, if the owner or operator can demonstrate to the satisfaction of the director that, by use of some alternative time period, infiltration will not be increased. At the time of this inspection, only a sparse soil cover was present, with some solid waste exposed. No intermediate cover has been applied to all filled areas. Therefore, violations of OAC Rule 3745-27-19(G)(1) currently exist.

11. OAC Rule 3745-27-19(H)(1) - within seven days of reaching the approved final elevations of waste placement in a phase, or an alternative schedule approved by the director, the owner or operator shall begin constructing the final cap system over the entire phase in accordance with OAC Rule 3745-27-08, as specified in OAC Rule 3745-27-11. Since construction of the final cap system has not been initiated, violations of OAC Rule 3745-27-19(H)(1) currently exist.

12. OAC Rule 3745-27-19(J)(3) - if ponding or erosion on areas of the sanitary landfill facility where waste is being, or has been, deposited, the owner or operator shall undertake actions as necessary to correct the conditions causing the ponding or erosion. Ponding water was observed at several locations as evidenced by the cattails growing over the limits of the waste. Therefore, violations of OAC Rule 3745-27-19(J)(3) currently exist.

Approximately 6,250 scrap tires remain illegally dumped on Martin Landfill property. Scrap tires are defined by Ohio law as solid waste. Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC). Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Therefore, violations of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C) currently exist.

Ohio EPA's scrap tire law requires the control of mosquitoes related to any storage of scrap tires. Pursuant to (OAC) Rule 3745-27-60(B)(8)(a) and (b), the following must be done to control mosquito populations: (1) remove liquids from the scrap tires and immediately store the scrap tires such that water does not accumulate in scrap tires or containers, or (2) apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than (30) day intervals or as recommended by the manufacturer or formulator.

Since no work has been performed at this site to control mosquitoes, violations of OAC Rule 3745-27-60(B)(8) currently exist.

OAC Rule 3745-27-60(B)(1) states that the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:

Sufficient drainage will be maintained as such that water does not collect in the area where scrap tires are stored. Scrap tires are being stored in areas where water can collect. Therefore, violations of OAC Rule 3745-27-60(B)(1) currently exist.

Since scrap tires are not being stored in accordance with OAC Rule 3745-27-60(B), your scrap tires are deemed a nuisance, a hazard to public health or safety, or fire hazard. Therefore, violations of ORC 3767.13(B) which states that no person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public currently exist.