Environmental
Protection Agency
John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

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February 27, 2012

RE: NOTICE OF VIOLATION
COMPREHENSIVE INSPECTION
1ST QUARTER 2012
DISPOSE ALL LANDFILL
COLUMBIANA COUNTY

CERTIFIED MAIL 7010 3090 0000 3936 6603

Jim Pusateri
Dispose All Refuse, Inc.
P.O. Box 2136
East Liverpool, Ohio 43920

Dear Mr. Pusateri:

On February 23, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a comprehensive inspection of the closed Dispose All Landfill (Dispose All), located on Dormont Avenue 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. No one representing the facility owner or operator was present during this inspection.

The following violations were observed during the 1st quarter 2012 inspection:

1. **Leachate Outbreaks.** During this inspection, several leachate outbreaks were observed on the landfill. One leachate outbreak was located in the northeastern corner of the landfill, approximately mid-slope. Two larger leachate outbreaks were located on the western side of the landfill near the toe of the side slope and near the mid-point of the western boundary of the landfill. I have attached a map which depicts the approximate areas of the leachate outbreaks.

   Dispose All is in violation because it failed to make repairs to the cap system as necessary to correct the leachate outbreaks, to contain and properly manage the leachate at the facility, and to take action to minimize, control, or eliminate the conditions which contribute to the production of leachate. Failure to make repairs to the cap system as necessary to correct the leachate outbreaks, to contain and properly manage the leachate at the facility, and to take action to minimize, control, or eliminate the conditions which contribute to the production of leachate has resulted in violations of the following:

   a. **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…leachate outbreaks…"*

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b. **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…Contain and properly manage the leachate at the sanitary landfill facility; Take action to minimize, control, or eliminate the conditions which contribute to the production of leachate."*

In order to return to compliance with these rules, the owner or operator must immediately make repairs to the cap system as necessary to correct the leachate outbreaks, contain and properly manage the leachate at the facility, and take action to minimize, control, or eliminate the conditions which contribute to the production of leachate.

2. **Ponding Water.** During this inspection ponded water was observed near the toe of the northern slope of the landfill, just inside the fence line, near the large tree. I have attached a map which depicts the approximate location of the ponded water.

Dispose All is in violation because it failed to make repairs to the cap system as necessary to correct ponding. Failure to make repairs to the cap system as necessary to correct ponding has resulted in a violation of the following:

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…ponding…"*

In order to return to compliance with this rule, the owner or operator must immediately make repairs to the cap system as necessary to correct ponding.

The following observations were made during this inspection:

1. Horses were grazing on the landfill during this inspection.

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. A Notice of Deficiency was issued to Dispose All on November 2, 2009. Ohio EPA received Dispose All's response to this NOD on January 13, 2010. This response is currently being reviewed.

The owner and operator of Dispose All need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Dispose All is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to jerry.weber@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, Dispose All is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions regarding this letter, or if you would like to meet at the facility to view the areas where violations were observed, please feel free to contact me at (330) 963-1274 or e-mail me at jerry.weber@epa.state.oh.us.

Sincerely,

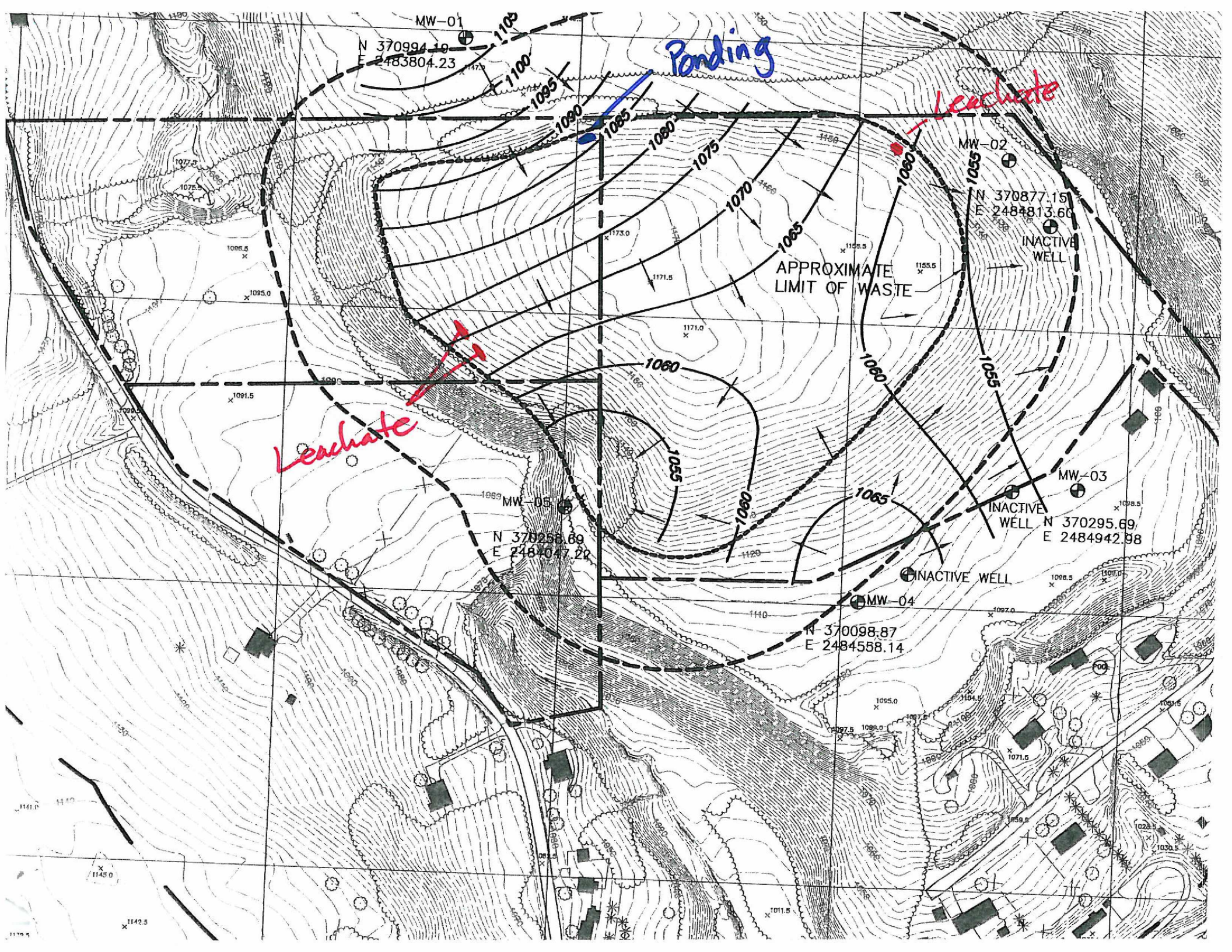
Jerry W. Weber, R. S.
Environmental Specialist
Division of Materials and Waste Management

JWW:cl

Enclosure: Map Depicting Location of Violations

cc: File: [Sowers/LAND/Dispose All/COR/15]

ec: Lori Barnes, Columbiana County General Health District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INACTIVE WELL
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