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

July 18, 2012

RE: CENTRAL WASTE LANDFILL
2011 ANNUAL REPORT
NOTICE OF VIOLATION

CERTIFIED MAIL 7011 0470 0002 3496 4062

Warren A. Usatine
Attorney for Debtor c/o
Cole, Schotz, Meisel, Forman & Leonard
Court Plaza North
25 Main Street
PO Box 800
Hackensack, NJ 07602-0800

Dear Mr. Usatine:

The Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) received the Central Waste Landfill Facility (Central Waste) Annual Operational Report for 2011 on March 30, 2012. On March 28, 2012, Central Waste responded to the letter sent out on November 30, 2011 for the 2009 & 2010 annual reports unresolved violations. The 2011 Annual Report addressed the unresolved violations and has correctly increased the financial assurance cost estimate. The following violations and deficiencies relate to the 2011 Annual Report.

VIOLATION

OAC 3745-27-19(M)(1) *"The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operation: (1) A topographic map of all units of the sanitary landfill facility, certified by a professional skilled in the appropriate disciplines, with updated contour lines on the plan drawing containing information specified in rule 3745-27-06 of the Administrative Code. … (i) A comparison of the actual vertical and horizontal limits of emplaced waste to the vertical and horizontal limits of waste placement authorized in the applicable authorizing documents."*

Violation One: The annual report topographic map does not include updated contour lines. The existing contour lines are not clearly labeled at each interval and contour lines are not included within Phases 1-3. A comparison between in-place waste limits to permitted waste limits cannot be clearly determined. In order to determine if the above rule is met, Central Waste shall include all contour lines within each Phase and clearly label each contour line interval, which should be consistent with the approved plans.

COMMENT

Comment One: On the topographic map, the area identified as "working area in 2011" extends outside the limits of waste placement. Ohio EPA must assume that waste has been placed outside the horizontal limits. Central Waste shall demonstrate that waste does not extend outside the horizontal limits. If waste is found to exceed the approved limits, then waste must be removed from that area and transferred to the operating phase to be landfilled properly.

Comment Two: Section 12(B) was not completed to identify pending permits or other factors that may affect the future of the facility capacity.

Comment Three: Section 18's form was not completed for financial assurance.

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 Entity 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.

If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,

Katharina Snyder
Division of Materials and Waste Management

KS:cl

cc: Allison Giancola, DMWM, NEDO
Mary Helen Smith, Mahoning County Health Department
File: [Sowers/LAND/Central Waste/ANN/50]
DMWM #s 4419, 3842, 3255