



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

July 26, 2013

**RE: CENTRAL WASTE
GROUND WATER
NOTICE OF VIOLATION**

Marlene P. Wheaton
Vice President
Central Waste, Inc.
c/o Warren A. Usatine
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Robert Treat Center
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Newark, NJ 07102-4397

Central Waste Landfill, Inc.
12003 Oyster Road
Alliance, OH 44601

Dear Madam/Sirs:

According to Ohio Environmental Protection Agency (Ohio EPA) records, Central Waste Landfill, Inc. has not submitted an annual report for 2012, monthly explosive gas monitoring results from February 2012 through May 2013, or ground water monitoring information of any kind since July 2, 2012. Failure to submit the aforementioned information has resulted, at a minimum, in the following violations of Ohio Administrative Code (OAC).

Marlene P. Wheaton, Central Waste, Inc., c/o Warren A. Usatine
Warren A. Usatine, Attorney for Debtor
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1. OAC 3745-27-19(M) "...The owner or operator of a sanitary landfill facility shall submit an "annual operational report" to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year. The "Annual Operational Report" shall include, at a minimum, the following information summarizing the previous calendar year's operations..."

Central Waste Landfill, Inc. did not submit an annual operational report for 2012. In addition, Central Waste Landfill, Inc. has not responded to Ohio EPA's notice of violation, dated July 18, 2012, regarding the 2011 annual operational report.

In order to return to compliance, Central Waste Landfill, Inc. must submit the 2012 annual operational report and a response addressing violations identified in the 2011 annual operational report.

2. OAC 3745-27-10(A)(1) "...In accordance with the schedule in paragraphs (A)(2) and (A)(3) of this rule, the owner or operator of a sanitary landfill facility shall implement a ground water monitoring program capable of determining the impact of the facility on the quality of ground water occurring within the uppermost aquifer system and all significant zones of saturation above the uppermost aquifer system underlying the sanitary landfill facility..."

Central Waste Landfill, Inc. has not submitted ground water monitoring information of any kind since July 2, 2012. It appears semiannual ground water sampling has not occurred at this site since July 1, 2012.

In order to return to compliance, Central Waste Landfill, Inc. must conduct ground water detection and/or assessment monitoring, and move forward with corrective measures activities in accordance with requirements contained in OAC 3745-27-10.

3. OAC 3745-27-19(B)(6)(e) "...The owner or operator shall comply with...The explosive gas monitoring and corrective measures requirements of rule 3745- 27-12 of the Administrative Code."

Central Waste Landfill, Inc. did not conduct explosive gas monitoring activities from February 2012 through May 2013. On July 2, 2013, Ohio EPA received the explosive gas monitoring report for monitoring activities conducted on June 19, 2013. In order to remain in compliance with OAC 3745-27-19(B)(6)(e), Central Waste Landfill, Inc. must continue monitoring activities on a monthly basis in accordance with OAC 3745-27-12 and the facility's Explosive Gas Monitoring Plan.

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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.

Please submit a response within 14 days of your receipt of this letter identifying what actions/steps are being or have been taken to comply with the above violations.

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; Al Muller, DDAGW-NEDO
Matt Boyer, DMWM-CO
Connie Livchak, DMWM-CO
Mary Helen Smith, Mahoning County Health Department
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File: [Singh/LAND/CENTRAL/COR/50]