



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

Stanley Lojek
Harvard Refuse, Inc.
7720 Harvard Avenue
Cleveland, OH 44105

**Re: Harvard Refuse Landfill, Cuyahoga County
Explosive Gas Monitoring Plan Approval**

Dear Mr. Lojek:

On July 10, 2003, the Ohio Environmental Protection Agency (Ohio EPA) received a document titled "*Explosive Gas Monitoring Plan for the Harvard Refuse Landfill*", dated July 2003 for the Harvard Refuse Landfill, 7720 Harvard Avenue, Cleveland, Ohio. The document was prepared by CT Consultants and based on information originally documented by SCS Engineers, Inc., on behalf of Harvard Refuse, Inc. (HRI). The Harvard Refuse Landfill is a solid waste disposal facility located in the cities of Cleveland, Garfield Heights, and Cuyahoga Heights, Cuyahoga County.

The explosive gas monitoring plan, including revisions through July 2003, for the closed Harvard Refuse Landfill is hereby approved subject to the following conditions:

1. The explosive gas monitoring plan shall be implemented at the Harvard Refuse Landfill, in accordance with the plan titled "*Explosive Gas Monitoring Plan for the Harvard Refuse Landfill*", dated July 2003. All activities shall be conducted in strict accordance with the plans, specifications, and information submitted as part of this plan. There may be no deviation from the approved plan without the express written approval of Ohio EPA. Any future activities may require additional Ohio EPA approval.
2. Ohio EPA, Northeast District Office (NEDO), Division of Solid and Infectious Waste Management (DSIWM) and the Cuyahoga County Board of Health shall receive written notice not later than 72 hours prior to commencement of proposed activities.
3. Within 90 days from the date of this approval, HRI shall implement the explosive gas monitoring plan. Implementation shall include installation and monitoring of temporary and permanent monitors, pursuant to OAC Rule 3745-27-12(E)(1).

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

4. HRI shall submit revised topographic maps, as required by OAC Rule 3745-27-12(D)(2)(a)(v), showing locations of all potential explosive gas migration pathways, including those listed on plan drawing sheets 1 of 2 and 2 of 2 of the submittal. HRI shall submit this information with the certification report for construction of the explosive gas monitoring system.
5. HRI shall submit geologic cross-sections for those perimeters of the landfill property which face occupied structures. HRI shall submit this information with the certification report for construction of the explosive gas monitoring system. Each cross-section shall show the location of the borings used to develop the cross-section. The submittal shall include the boring logs of those wells used in the development of the cross-sections.
6. Within 60 days of implementation of the explosive gas monitoring plan, HRI shall submit the certification report for construction of the explosive gas monitoring system.
7. HRI shall compile the monitoring data from all monitoring events conducted during each calendar quarter and shall submit the monitoring results within 15 days of the last date of sampling in each calendar quarter, in lieu of the reporting requirements of OAC Rule 3745-27-12(I)(5).
8. HRI shall revise the explosive gas monitoring plan as a result of the investigation and final determination from work performed at the facility as required under Director's Final Findings and Orders issued April 16, 2001.
9. Upon the abandonment of any permanent explosive gas wells, HRI shall grout the top two feet of the well with bentonite or a bentonite-soil mixture.
10. Issuance of this explosive gas monitoring plan approval does not constitute expressed or implied agreement that the monitoring of the facility performed and implemented in accordance with the approved explosive gas monitoring plan and/or its terms and conditions will constitute compliance with applicable federal and state laws, rules, and regulations, nor does issuance of this plan approval assure that necessary operating permits or licenses will be granted.
11. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this authorization shall not be interpreted to release HRI or others from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission (Commission) pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. Notice of the filing of the appeal shall be filed with the director within three days after the appeal is filed with the Commission. An appeal may be filed with the Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street
Room 222
Columbus, Ohio 43215

If you have any questions concerning this authorization, please contact Virginia Wilson of Ohio EPA NEDO at (330) 963-1180.

Sincerely,

Christopher Jones
Director

cc: Lynn Sowers, DSIWM, NEDO
Dave Dysle, DSIWM, NEDO
Scott Hester, DSIWM, CO
Ed Gortner, DSIWM, CO
Mindy Schultz, Cleveland City Division of Air Pollution Control
Vince Caraffi, Cuyahoga Co. Board of Health
Ron Smith, City of Cleveland Health Department