



State of Ohio Environmental Protection Agency

**Northeast District Office**

2110 East Aurora Rd.  
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

**CERTIFIED MAIL**

August 3, 2007

Charles Alborn  
2090 Riceford Rd. SW  
E. Sparta, OH 44626

Charles Alborn  
c/o Edna Elliot  
1318 53<sup>RD</sup> St. SW  
Canton, OH 44706

**RE: 2090 RICEFORD RD. SW, PIKE TWP., STARK COUNTY, OHR000142661, NOV**

Dear Mr. Alborn:

Ohio EPA has identified the following violations of Ohio's hazardous and solid waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). These violations were documented by Ohio EPA on May 8 and May 15, 2007, at the property operated by you and located at 2090 Riceford Road SW in Pike Township, Ohio ("Facility" hereinafter).

**Hazardous Waste Violations**

1. **ORC § 3734.02(E)&(F), Unpermitted Storage & Disposal of Hazardous Waste: No person shall store, treat or dispose of hazardous waste identified or listed under this chapter and rules adopted under it...except at a hazardous waste facility operating under a permit.**

A. On May 15, 2007, representatives of Ohio EPA obtained samples from multiple containers of waste located at your Facility. Please find attached to this letter a copy of Ohio EPA's analytical results (see Attachment 1) and a map depicting the sample locations (see Figure 1).

Ohio EPA's analytical results demonstrated that the contents of containers APA010, APA016, APA017, APA021, APA022, APA026, APA028, APA037, APB004, APB005, APB020, APB025, APB033, APC014, and APD001 are hazardous waste: Specifically, the contents of these containers exceeded the following regulatory levels:

- APA010, APA016, APA017, APA021, APA022, APA026, APA028, APA037, APB004, APB005, APB020, APB025, and APC014 exhibited a flashpoint less than 60 degrees Celsius thus classifying them as ignitable hazardous waste (D001) under OAC rule 3745-51-21.

- APD001 exhibited a pH greater than 12.5 thus classifying it as a corrosive hazardous waste (D002) under OAC rule 3745-51-22.
- Under the toxicity characteristic leaching procedure (TCLP), the contents of container APB033 exceeded the regulatory level for lead (D008) and methyl ethyl ketone (D035) thus classifying it as a hazardous waste under OAC rule 3745-51-24.

Therefore, your Facility has conducted unpermitted storage and/or disposal of hazardous waste since these containers have been stored at the Facility for greater than ninety (>90) days and/or disposed of through abandonment. Further, since Ohio EPA has not issued a permit to you to store and/or dispose hazardous waste, you have created a hazardous waste storage and/or disposal unit which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). You must make immediate arrangements for the lawful, off-site disposal of all hazardous waste. Submit documentation verifying the lawful, off-site disposal of all hazardous waste at your Facility.

- B. On May 15, 2007, representatives of Ohio EPA obtained a sample (APA010G) of released waste at the base of container APA010. Analytical results revealed hazardous constituents consistent with the type of hazardous waste present inside container APA010. Therefore, the Facility has conducted unpermitted disposal of hazardous waste as evidenced by the release of hazardous waste constituents to the environment. You must immediately close all containers, correct any leaking ones, containerize visibly impacted soils and lawfully dispose of all hazardous waste at your Facility. Identify in writing the corrective actions taken to address this violation.
- C. On May 15, 2007, representatives of Ohio EPA obtained four samples (P03S01, P03S02, P03S03 and P03S04) from a pile located in the northwest area of your Facility (Pile 3). Please find attached to this letter a copy of Ohio EPA's analytical results (see Attachment 1) and a map depicting the pile's location (see Figure 1). Ohio EPA's analytical results demonstrated that the pile exceeded the TCLP regulatory level of lead (D008). Since Ohio EPA has not issued a permit to you to store and/or dispose hazardous waste, you have created a hazardous waste storage and/or disposal unit which has been operating without a permit in violation of ORC § 3734.02 (E) and (F). You must make immediate arrangements for the lawful, off-site disposal of the hazardous waste. Submit documentation verifying the lawful, off-site disposal of all hazardous waste at your Facility.
- D. In accordance with OAC rules 3745-55-10 through 3745-55-20, you must conduct closure (i.e., clean-up) activities for all areas where hazardous waste has been illegally stored and/or disposed. Closure activities must entail the following: removing and disposing of all waste and residues, removing or decontaminating contaminated equipment and structures, remediating contaminated soils and groundwater if necessary, and managing all wastes generated from these activities in accordance with the hazardous waste laws and rules. You must submit a closure plan which ensures that the closure performance standards set forth in OAC rule 3745-55-11 are met. The closure performance standards require you to remove and remediate contamination in these areas to prevent it from posing a risk to human health and the environment. The closure plan should be prepared in accordance with Ohio EPA's *Closure Plan Review Guidance for RCRA Facilities*. To address this violation, submit a closure plan to Ohio EPA for review and approval.

Since you have violated ORC § 3734.02(E)&(F), your Facility is subject to all applicable general facility standards found in OAC Chapters 3745-54 and 3745-55. Additionally, at any time Ohio EPA may assert its right to have you begin Facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

**2. OAC rule 3745-52-11, Waste Evaluation: Any person who generates a waste must evaluate that waste to determine if it is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.**

During the May 8 and May 15, 2007 inspections, Ohio EPA observed multiple containers, tanks and piles of unevaluated wastes located at your Facility. You were unable to provide adequate evaluation information for these wastes.

To address this violation, submit a work plan for review describing how the contents of all containers, tanks and piles will be sampled, evaluated, and disposed. The work plan, at a minimum, must include the following:

- A. At least 48, 55-gallon drums observed at location APA (see Figure 1).
- B. At least 34, 55-gallon drums observed at location APB (see Figure 1).
- C. At least 44 containers, ranging in size from 30-gallon to 55-gallon, observed at location APC (see Figure 1).
- D. At least 51, 1-gallon containers and 21, 5-gallon containers observed at location APD. These containers were located inside a disabled refrigerated truck (see Figure 1).
- E. Pile 1, Pile 2 and Pile 3 (see Figure 1).
- F. Three metal tanks/vats observed at location APT (see Figure 1).
- G. 5-gallon containers and 55-gallon drums observed in a trailer located near the northeast corner of your Facility.
- H. Computer related equipment observed near the southeast corner of your Facility.
- I. Any other container, tank or pile of waste located at your Facility.

You are requested to notify Ohio EPA at least five days prior to implementing the work plan. Additionally, after implementing the work plan, you must submit a copy of the waste evaluation information (i.e., analytical results) for the contents of the containers, tanks and piles as well as documentation (i.e., manifests) regarding the proper disposal of the waste.

**Solid Waste Violations**

During the May 8 and May 15, 2007 inspections, Ohio EPA observed that your Facility had conducted open dumping of solid waste at the following areas:

- Two piles of solid waste corresponding to Pile 1 and Pile 2 on Figure 1.
- Northwest area of your Facility where garbage and scrap tires were found on the surface, as well as buried.
- Northwest area of your Facility where a trailer was found filled with scrap tires.
- Central area of your Facility where scrap tires were found on the surface.
- Other areas at your Facility, not specifically described, where solid waste was openly-dumped.

Your Facility is in violation of solid waste laws and rules for creating and operating an illegal landfill. A large amount of waste material, as identified above, was openly-dumped on the property without first applying for and receiving a permit issued by the Director of Ohio EPA. As such, the creation and operation of a solid waste landfill on the property is a violation of the following:

3. **ORC § 3734.02(C) states that "...no person shall establish a new solid waste facility or infectious waste treatment facility, or modify a treatment facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation regarding the facility and method of operation and receiving a permit issued by the Director...."**
4. **ORC § 3734.05(A)(1) states that "...no person shall operate or maintain a solid waste facility without a license issued under this division, by the board of health, of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."**
5. **OAC rule 3745-37-01(A) states that "No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted there under. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the Director, if the Director has assumed the licensing function for that health district...."**
6. **ORC § 3734.03 states in pertinent part that, "No person shall dispose of solid wastes by open burning or open dumping...."**
7. **OAC rule 3745-27-05(C) states that "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."**

In addition to the above, the scrap tires located at your Facility are subject to the requirements found in OAC rule 3745-27-60 and have been determined to be stored in violation of the following requirement:

8. **OAC rule 3745-27-60(B) which states in part, "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 standards contained in OAC 3745-27-60(B)."**

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The scrap tires at your Facility are not stored in compliance with OAC rule 3745-27-60(B), and are thus deemed a nuisance, a hazard to public health and safety, and a fire hazard. You must immediately take action to abate the nuisance, public health, safety and fire hazard by contracting with a registered scrap tire transporter to remove the tires to an appropriately registered or licensed scrap tire facility.

During the May 8 and May 15, 2007 inspections, Ohio EPA observed that your Facility had disposed of construction and demolition debris at the northwest area of the property. The construction and demolition debris consisted of drywall, wood and shingles. As such, the creation and operation of a construction and demolition debris facility on the property, without first applying for and receiving a permit issued by the Director of Ohio EPA, is a violation of the following:

9. **OAC rule 3745-37-01(C) states that "No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."**

In order to attain compliance with violations three through nine, you must remove all of the waste materials open dumped on the property and properly dispose of them at an appropriate waste disposal facility. Please provide Ohio EPA with receipts from the waste disposal facility indicating weight or volume of the waste disposed of.

Ohio EPA observed that Sulphur Run enters your property from the southeast and crosses to the northwest. It is suspected that during rain events, waste materials from your Facility are delivered into Sulphur Run via runoff. This could result in violations of ORC § 6111.04, Water Pollution Control and OAC rule 3745-1-04, Water Quality Standards.

The above violations must be immediately corrected and all of the above requested documentation of compliance must be submitted to Ohio EPA within 30 days of receipt of this letter. Please address your responses to violations one and two to the attention of:

Frank Zingales  
Ohio Environmental Protection Agency  
Division of Hazardous Waste Management  
2110 E. Aurora Rd.  
Twinsburg, OH 44087

Please address your responses to violations three through nine to the attention of:

Joshua Adams  
Ohio Environmental Protection Agency  
Division of Solid and Infectious Waste Management  
2110 E. Aurora Rd.  
Twinsburg, OH 44087

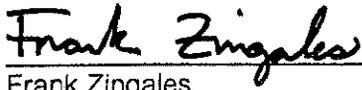
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Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve you from having to comply with all applicable regulations. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator or others 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 remedying conditions resulting from any release of contaminants to the environment.

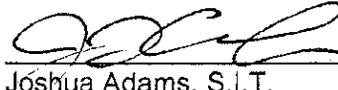
Should you have any questions, please contact Frank Zingales at (330) 963-1108.

Sincerely,

Sincerely,



Frank Zingales  
Environmental Specialist II  
Division of Hazardous Waste Management



Joshua Adams, S.I.T.  
Environmental Specialist II  
Division of Solid & Infectious Waste Management

FZ/JA:ddw

Enclosure

cc: Ron Fodo, OSI, NEDO  
Harry Sarvis, DHWM, CO  
John Januska, DSW, NEDO  
Natalie Oryshkewych, DHWM, NEDO  
Sharon Perrine, Pike Twp. Zoning  
Deborah Moore, Stark County Health Dept.



Figure 1: OEPA Sample Location Summary;  
Site: 2050 Riceford Rd. S.W., Pike Twp.