



**Environmental  
Protection Agency**

Ted Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Koreski, Director

April 15, 2010

**RE: ASHTABULA TRANSFER STATION  
NOTICE OF VIOLATION**

**CERTIFIED LETTER**

Anthony Cantagallo, City Manager  
City of Ashtabula  
4717 Main Avenue  
Ashtabula, Ohio 44004

Dear Mr. Cantagallo:

On March 8, 2010, the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the city of Ashtabula (City) Transfer Station. I, representing Ohio EPA, conducted the inspection. Dom Iarocci was present at the time of the inspection. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3734, and Ohio Administrative Code (OAC) 3745-27.

During the inspection, Ohio EPA observed a pile of solid waste on the ground outside the transfer facility and under the canopy. Hence, Ohio EPA identified the following violations:

**Ohio Revised Code 3734.02(C)** states that “. . . no person shall establish a new solid waste facility or infectious waste treatment facility, or modify 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. . . .” and **OAC Rule 3745-27-21(A)** states, in part, “A permit to install application, as required by section 3734.05 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the solid waste transfer facility is begun...”

While the facility has historically operated under an exemption to the PTI and operating requirements, the conditions seen during the inspections trigger the applicability of the aforementioned codes. Specifically, OAC Rule 3745-27-03(A)(11) states that transfer facilities are exempted from OAC 3745-27-23(A)(1) if the “[f]acilities [are] used for the transfer of solid wastes, other than scrap tires, that consist solely of portable containers and that have an aggregate volume of fifty cubic yards or less. The waste must not be placed on the ground or waste handling floor. These facilities are still subject to paragraph (A)(2) of this rule.”

Ohio EPA continues to identify solid waste piles on the parking lot and the waste handling floor. The City is not exempted from the operating and permitting requirements of OAC 3745-27. Mr. Iarocci stated that I just caught them the only time all winter that waste was

Anthony Cantagallo, City Manager  
City of Ashtabula  
April 15, 2010  
Page 2

on the floor. However, the documented observance of solid waste on the floor seems to be frequent. Therefore, the City must prevent waste from being placed on the ground or the waste handling floor, close the transfer facility, or submit a permit application in accordance with OAC 3745-27-21.

Ohio EPA is concerned about the number of occasions over the last few years that this has been observed. Therefore, appropriate action is necessary. Please respond to the above violations within 30 days of the receipt of this letter pertaining to how the City will correct the violations at the transfer station.

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 City 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.

If you have any questions regarding this letter, please contact me at (330) 963-1268.

Sincerely,



Colum McKenna  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CM:cl

cc: Terri Collett, Ashtabula City Health Department  
File [Sowers/COUN/Ashtabula City/GEN/04]

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 Street, Apt. No., or PO Box No. *City of Ashtabula*  
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PS Form 3800, August 2006 See Reverse for Instructions

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 Anthony Cantagallo,  
 City Manager  
 City of Ashtabula  
 4717 Main Avenue  
 Ashtabula, Ohio 44004

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