



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

July 9, 2008

**RE: SUMMIT C&D DISPOSAL
FINANCIAL ASSURANCE
NOTICE OF VIOLATION**

CERTIFIED MAIL

John R. Eslich
Eslich Wrecking Company
3525 Broadway Ave. NE
Louisville, Ohio 44641

Dear Mr. Eslich:

On June 6, 2008, Ohio Environmental Protection Agency (Ohio EPA) received a letter from Michael A. Cyphert, Walter & Haverfield LLP, regarding compliance with Order No. 26 of Director's Final Findings & Orders ("DFF&O") issued April 11, 2008. Order No. 26 pertains to financial assurance for Summit C&D Disposal located at 1947 Wadsworth Road, Norton. This letter provides a notice of violation regarding compliance with Order No. 26 of the DFF&O issued April 11, 2008.

Order 26 states, in part:

"In light of the amount of leachate that exists in the Facility (see Finding No. 81, above), not later than sixty (60) days after the effective date of these Orders, Respondent shall increase the amount of financial assurance required by OAC Rule 3745-400-13 by an amount of which ensures that closure can be conducted in a manner that:

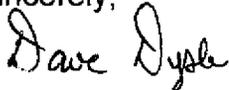
- a. Minimizes further maintenance at the Facility, and
- b. Minimizes the formation and release of leachate to the air, soil, surface water, and ground water; and
- c. Is protective of human health and the environment."

Summit C&D Disposal is in violation of Order No. 26 of DFF&O issued April 11, 2008, because the financial assurance specified in the June 6, 2008 letter does not comply with Order 26. Specifically, the letter indicates financial assurance for the Facility will be \$13,000 per acre and \$2,175 per ground water monitoring well. Ohio EPA believes that due to the unique conditions at the Facility, the proposed financial assurance amount is not enough.

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Please revise the financial assurance to comply with Order No. 26 and resubmit the financial assurance document for review not later than thirty days after receipt of this notice of violation. If you have any questions regarding this notice of deficiency, please call Dave Dysle at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Kelly Jeter, DSIWM, NEDO
Robin Nichols, DSIWM, Legal
Sari Mandel, AGO
Brian James, Summit SWCD
Mike Meusel, Barberton Health Department
File: [Sowers/CONS/Summit C&D Disposal/COR/77]