



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

September 22, 2009

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

CERTIFIED MAIL

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

Dear Mr. Cantagallo:

On August 6, 2009, and September 18, 2009, the Ohio Environmental Protection Agency (Ohio EPA), conducted inspections of the city of Ashtabula (City) Transfer Station. I, representing Ohio EPA, conducted both inspections. Dom Iarocci was present at the time of the September 18, 2009. The purpose of the inspections was to determine compliance with Ohio Revised Code (ORC) 3734, and Ohio Administrative Code (OAC) 3745-27.

On August 6, 2009, Ohio EPA observed a large pile of solid waste lined up on the ground outside the transfer facility, and on September 18, 2009, Ohio EPA observed another pile of solid waste under the canopy outside of the pit. 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.”

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The solid waste piles on the parking lot and the waste handling floor prohibit the City to use this exemption from the operating and permitting requirements of OAC 3745-27. Mr. Iarocci stated that the reason the solid waste was on the waste handling floor on September 19, 2009, was because the operator of the loader was on lunch. Mr. Iarocci provided other examples when this occurs, such as when the trailer is in route to or from the landfill, if the facility is handling a large load of asphalt shingles, or if the equipment is down for maintenance. However, these examples seem to be logistical issues that are frequent and preventable. 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:cf

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

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

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