



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 4, 2007

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 May 7, 2007 and August 27, 2007, the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the city of Ashtabula (City) Transfer Station. Present for the inspection was John Hujar and I, representing Ohio EPA, on May 7, 2007, and I on August 27, 2007. Domenic Iarocci was present during the August 27, 2007 inspection. The purpose of the inspection was to determine compliance with Ohio Revised Code (ORC) 3734, and Ohio Administrative Code (OAC) 3745-27.

Upon inspection, Ohio EPA identified the following violations:



Anthony Cantagallo, City Manager  
City of Ashtabula  
September 4, 2007  
Page 2



Anthony Cantagallo, City Manager  
City of Ashtabula  
September 4, 2007  
Page 3

**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...”

The City is in violation due to failure to acquire an approved permit to install for the Ashtabula City Transfer Station. Large piles of solid waste were lined up outside of the transfer station. There is an exemption under OAC Rule 3745-27-03(A)(11) that 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.” However, any piles of solid waste on the ground would prohibit the City from using this exemption from the permitting requirements of OAC 3745-27-21.

In addition to the May 7, 2007, and August 27, 2007 inspections, the observance of large solid waste piles on the ground has been documented on several other occasions. Since this has been a repeated occurrence, the City must submit a complete permit application, take appropriate permanent actions to prevent waste from being placed on the ground or the waste handling floor, or close the transfer facility.

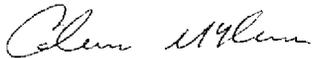
Please respond to the above violations within 15 days of the receipt of this letter pertaining to how the City will correct the violations at the transfer station. In addition, if the city plans to continue to use a scrap tire accumulation and storage area to be serviced by a registered scrap tire transporter, then the City needs to contract with that scrap tire transporter to stage a satellite portable container 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.

Anthony Cantagallo, City Manager  
City of Ashtabula  
September 4, 2007  
Page 4

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  
Janice Switzer, Ashtabula County Solid Waste Management District  
File [TUKEL/COUN/Ashtabula City/GEN/04]