



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

November 19, 2008

CERTIFIED MAIL

J. Tyler Fitzgerald
Kimble Transfer & Recycling
3596 State Route 39NW
Dover, OH 44622-7232

**RE: Kimble Transfer & Recycling, Stark County
2007 Annual Operation Report
Notice of Violation (NOV)**

Dear Mr. Fitzgerald:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the document *Kimble Transfer & Recycling, 2007 Annual Report* and the subsequent notice of deficiency (NOD) response for Kimble Transfer & Recycling (Facility) located at 2295 Bolivar Road SW, Canton, Ohio 44706. The annual report is dated March 31, 2008, and was received at Ohio EPA Northeast District Office (NEDO) on April 1, 2008. The NOD response was dated June 17, 2008, and was received June 25, 2008.

Ohio EPA had initially reviewed the annual report to determine compliance with **Ohio Administrative Code (OAC) rule 3745-27-23(AA)** and had identified the following deficiency:

1. Section 17, Itemized Final Closure Cost Estimate:
The final closure cost estimate for "pressure washing walls, floors" is listed as 10 hours/mobile unit @ \$50.00/hr. Kimble Transfer and Recycling Facility, Twinsburg Township, has financial assurance for pressure washing the walls and floors listed at 100 hours/mobile unit. Please explain why there is a 90 hour difference between the two transfer facilities.

Based on this deficiency, Ohio EPA sent the Facility a letter on June 5, 2008, indicating that the annual report had to be revised before it was approved as a complete document.

In the subsequent June 17, 2008 response, you indicate that 10 hours of time (1.25 days of work) was "ample time to complete the task" and properly pressure wash the walls and floors of a 24,150 ft² facility. This amount of time equals, roughly, 2415 ft²/hr for the floor alone. Without proper justification (e.g., an itemized third-party cost estimate), Ohio EPA cannot agree that this is an adequate amount of time allotted for pressure washing the facility and therefore cannot accept this as an acceptable response to the NOD issued on June 5, 2008.

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On August 28, 2008, Ohio EPA issued a second NOD requiring the Facility to provide proper justification to the above deficiency within 15 days of receipt of the NOD. As of the date of this letter Ohio EPA has not received your response to the August 28, 2008 NOD. Therefore, the 2007 Annual Operation Report for the Facility was not submitted as a complete document.

Failure to submit a complete Annual Operation Report, with the requested updated financial closure cost estimate, is a violation of the following:

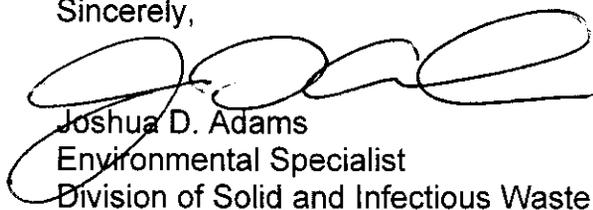
OAC Rule 3745-15(C)(1)(a) which states, in part, that “[t]he closure financial assurance instrument for a...transfer facility...shall contain an itemized written estimate, in current dollars, of the cost of closure. The closure cost estimate shall be based on the closure costs at the point in the operating life of the facility when the extent and manner of its operation would make the closure the most expensive, and shall be based on a third party conducting the closure activities. Ohio EPA may review, approve, or require revisions to the closure cost estimate or to the closure financial assurance instrument.”

OAC Rule 3745-27-23(AA)(2)(e) which states, in part, that “[t]he owner or operator shall submit an annual report on forms prescribed by the director to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year. The annual report shall include, at a minimum, a summary of the following operational information for the preceding calendar year...[a] summary of the facility’s operations including...[t]he annually adjusted final closure cost estimate required in rule 3745-27-15 of the Administrative Code and any relevant calculations.”

Please respond within 15 days of receipt of this letter with the requested information. Your cooperation in this matter is appreciated.

If there are any questions, please contact me at (330) 963-1103.

Sincerely,



Joshua D. Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JDA:cl

cc: Dave Dysle, DSIWM-NEDO File: [Tran/Kimble TF/COR/76]
Maria Muhleman, Canton City Health Department