



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

October 24, 2007

RE: **City of Cleveland
Bradley Road Landfill
aka, Spring Road Landfill**

Ken Martin
Edgerton Holdings LLC
3926 Valley Road
Cleveland, OH 44109

William Baumann
4300 Bradley Road
Cleveland, OH 44109

Dear Sirs:

On November 17, 2006, Ohio EPA received notification that aluminum dross had been discovered improperly disposed on the property known as the Bradley Road Landfill, aka the Spring Road Landfill located at 4480 Bradley Road, Cleveland. Specifically, an employee of Edgerton Holdings, Inc. reported the discovery to the Emergency Response unit of Ohio EPA, NEDO in Twinsburg. An Emergency Response On-Scene Coordinator (OSC) went to the Spring Road facility on November 22, 2006, and met with the facility foreman, Rich Mayel. The aluminum dross was initially found in the eastern portion of the property between Geno Lane and the stream at the toe of the slope. The material was identified by the foreman as aluminum dross, but the area where the material was initially excavated had been recovered with soil.

According to Ohio EPA files, the location of the aluminum dross identified above is partially within the proposed fill area as identified within the 2007 construction and demolition debris disposal license application. The location is also within the proposed fill area as identified on the pending 2008 license application.

The disposal of solid waste at a location that is not a licensed and permitted solid waste disposal facility is a violation of the following:

Ohio Revised Code (“ORC”)§3734.03 states: *“No person shall dispose of solid wastes by open burning or open dumping...”*

Ohio Administrative Code (“OAC”) Rule 3745-27-05(C) states: *“No person shall conduct, permit, or allow open dumping.”*

The aluminum dross in this area and any additional aluminum dross or other solid waste that has been disposed of on this property or located during the removal of the dross must

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William Baumann
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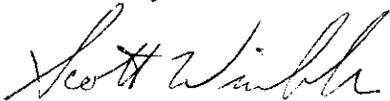
be properly characterized and removed from the property immediately. The aluminum dross and any other solid waste encountered must be transported to an authorized facility and receipts must be provided to the Ohio EPA and the City of Cleveland Health Department. Failure to resolve the above violations may result in Ohio EPA or the City of Cleveland Health Department seeking escalated enforcement.

Please respond to the above violations in writing within 14 days of receipt of this letter. Your response must include a schedule for the sampling and ultimate removal of the dross and other solid waste on this property.

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 Entity 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 for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (330) 963-1220.

Sincerely,



Scott Winkler
Division of Solid and Infectious Waste Management

SW:cl

cc: Anne Snyder, City of Cleveland Health Department
Julianne Kurdila, City of Cleveland Law Department
Barry Chapman, Ohio EPA-CO
File: [Tukel/CONS/Cleveland/GEN/18]