



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

March 25, 2008

**CERTIFIED MAIL**

Neil Gloger  
InterGroup International  
4445 Kincaid East Road, NW  
Warren, OH 44481

Dear Mr. Gloger:

On February 19, 2008, Kevin Francis of the Trumbull County Health Department and I conducted an inspection on your property located at 4445 Kincaid East Road, NW, Warren. This inspection was conducted to observe the residuals from an onsite fire and to determine the regulatory requirements for the handling of partially burnt plastic, soils used to extinguish the fire, and other materials that may have gotten mixed in with the soils during fire fighting activities.

You were notified in a letter dated March 5, 2008, that the residuals from the fire are solid waste and may not be disposed of on the property. The solid waste must be transported to a facility that is licensed for solid waste disposal.

After you received the above referenced letter, you contacted me by phone and requested clarification regarding Ohio's open dumping regulations and if it is a violation of those open dumping laws to have the fire residuals on this property. Ohio EPA has determined that the partially burnt plastic, soils used to extinguish the fire, and other materials that may have gotten mixed in with the soils during fire fighting activities are by definition solid waste.

At the time of the inspection the waste was not containerized, and was exposed to the elements, covered in soil and remained on the surface of the ground at a location that is not licensed or permitted for the disposal of solid waste in violation of the following regulations:

**ORC 3734.01(l) states** *"Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code ...*

**ORC 3734.03 states:** *"No person shall dispose of solid wastes by open burning or open dumping..."*

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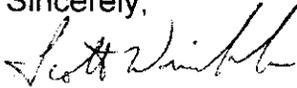
**OAC 3745-27-05(C) states:** *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed."*

All material affected by the fire that is not separated for recycling, must be removed from the site and transported to a facility that is licensed and permitted for the disposal of solid waste. Ohio EPA and/or the Trumbull County Health Department has the obligation to take any actions necessary to regain compliance at this site.

Within 15 days of receipt of this letter, please submit a schedule that provides dates for the start and completion of removal of the solid waste on the property. At the completion of the removal, please provide documentation that proves this material removed and transported for disposal in accordance with the appropriate regulations.

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

Sincerely,



Scott Winkler  
Division of Solid and Infectious Waste Management

SW:cl

cc: Kevin Francis, Trumbull County Health Department  
File: [Tukel/COUN/Trumbull/GEN/78]