



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

June 6, 2007

**RE: STARK C&DD LANDFILL
STARK COUNTY
NOTICE OF VIOLATION**

CERTIFIED MAIL

John Eslich
Stark C&D Landfill
3525 Broadway Avenue N.E.
Louisville, Ohio 44641

Dear Mr. Eslich:

On April 21, 2007, and April 23, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted partial inspections of the Stark C&D construction and demolition debris disposal facility located at 7280 Lisbon Road, East Canton, Stark County. Dave Dysle from Ohio EPA Northeast District Office accompanied me during these inspections and Christina Gallion from the Stark County Health Department accompanied me during the April 21, 2007 inspection.

These inspections were conducted to determine compliance with Ohio Revised Code (ORC) 3714. and Ohio Administrative Code (OAC) 3745-400, and ORC 3734 and OAC 3745-27. The facility's unloading zone and working face were the only parts of the facility inspected on these dates.

On April 21, 2007, one person was removing prohibited waste in the unloading zone. Solid waste was observed in the working face of the facility and no representatives from the facility were removing the solid waste during this inspection. Several boxes of porcelain hand molds that were used to manufacture gloves were observed in the working face. The molds are solid waste and are required to be removed in the unloading zone. As we left the facility, the owner or operator was removing the porcelain molds from the working face and placing them in a container for removal from the site. Also on this date, a pipe placed in the waste as part of the leachate recirculation system was not capped and landfill gasses were observed rising from the pipe.

The solid waste observed in the working face on this date included but were not limited to: clothing, paper, beverage containers, books, newspaper, food wrappers, a shoe, a glove, a mattress, a bicycle rim, and three boat bumpers.

Failure to attempt to remove all solid waste in the designated unloading zone is a violation of the following rules and regulations:

1. **OAC 3745-400-11(F)(3) states:** *"The owner or operator shall deposit incoming loads of debris at a designated unloading zone where the debris shall be inspected and all prohibited wastes shall be removed..."*
2. **ORC 3714.021(B) states:** *"The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. "*

Failure to remove solid waste observed in the working face during the inspection is a violation of the following:

3. **ORC 3714.021(C) states:** *"The board of health of the health district in which a construction and demolition debris facility is located, the director of environmental protection, or an authorized representative of either shall request the removal of specific, visible solid wastes that are located on the working face of a construction and demolition debris facility, and the owner or operator or the employees of the facility shall remove those solid wastes."*
4. **ORC 3714.021(B) states:** *"The owner or operator of a construction and demolition debris facility that is licensed under this chapter shall attempt to remove all solid wastes from construction and demolition debris prior to the disposal of the construction and demolition debris on the working face of the facility. Except as otherwise provided in this division, the existence of solid wastes on the working face of a construction and demolition debris facility does not constitute a violation of this chapter and rules adopted under it if...(2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility."*

In the future the owner or operator must attempt to remove all solid waste from the debris in the unloading zone. If any solid waste is discovered in the working face, it must be removed prior to covering with soil or additional waste.

On April 23, 2007, solid waste was observed in the working face. Site personnel were removing all solid waste as it was pointed out by the Ohio EPA. On this date the solid waste was both less than the amount allowed by ORC 3714.021 and all waste was removed from the site during the inspection. No violations were noted. Also on this date, the pipe for the leachate recirculation system had not been capped and landfill gasses could be seen escaping. This pipe must be capped when not in use.

John Eslich
Stark C&D Landfill
June 6, 2007
Page 3

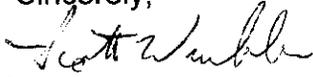
In the future, the owner or operator must attempt to remove all solid waste in the unloading zone prior to placement in the working face. In the event that solid waste is observed in the working face, it must be removed.

Please respond to this letter within 15 days of receipt. Your response should include a description of how the owner or operator will maintain compliance with the violations listed above.

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

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1220.

Sincerely,



Scott Winkler
Division of Solid and Infectious Waste Management

SW:cl

cc: Phil Revlock, Stark County Health Department
Josh Adams, DSIWM-NEDO
File: [Sowers/CONS/Stark C&D/COR/76]