



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

January 25, 2008

**RE: NOTICE OF VIOLATION
DIVERSIFIED RESOURCES
TRUMBULL COUNTY**

CERTIFIED MAIL

Von Vittersan-Lecopla, USA, LLC
c/o David S. Goldberg, ESQ
204 East Joppa Road, S
Baltimore, MD 21286

Dear Mr. Goldberg:

On January 3, 2008, representatives from Ohio EPA conducted an inspection of Diversified Resources-U.S., Inc. (Diversified) located at 400 Refractory Drive NW, Champion Twp., Warren, Ohio. Ohio EPA learned during the inspection that approximately 6000 tons of solid waste was dumped in bulk waste piles and 2500 tons of solid waste was containerized in drums, containers, or super sacks on the property.

Ohio EPA was represented by Ron Fodo, Division of Special Investigations; Kris Coder and John Paquelet, Division of Hazardous Waste Management (DHWM); and Scott Winkler, Division of Solid and Infectious Waste Management (DSIWM). Don Waldron represented the Trumbull County Local Emergency Planning Committee, and Greg Kovalchick and Robert Villers represented the Geauga-Trumbull Solid Waste Management District.

Diversified was represented by Althea Kent and Thomas Pigott; NuFlux Engineered Materials was represented by Steven Sanfrey.

During the inspection, Ohio EPA noted that solid waste was present outside the building, placed on the ground inside a warehouse in areas where the roof was leaking and doors were missing which allowed water to come in contact with the solid waste, and stored in containers, drums, and super sacks inside the building. Some of the solid waste noted in a 2002 inspection by Ohio EPA has been shipped off site to an approved landfill, however, much of the solid waste that was present in 2002 was still on site at the time of this inspection.

Please be aware that materials unwanted by the original user remain a solid waste until the materials are changed or processed to such an extent that they become a product for sale or exchange.

Von Vittersan-Lecopla, USA, LLC
c/o David S. Goldberg, ESQ
January 25, 2008
Page 2

The open dumping of solid waste is a violation of the following rules and regulations:

Ohio Revised Code (ORC) 3734.03 states: *“No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping.”*

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

The individuals who conducted, permitted, or allowed open dumping to occur on this property must remove all solid waste in accordance with all appropriate state and local regulations.

Please be aware that the owner of the land where solid wastes are open dumped can be held responsible for the removal and proper disposal of the solid waste.

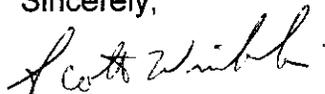
Ohio EPA understands the Trumbull County Health Department has issued an order requiring removal of solid waste from the property. The Trumbull County Health Department is authorized by Ohio EPA to administer and enforce the solid and infectious waste program within its jurisdiction. By copy of this letter, Ohio EPA is requesting the Trumbull County Health Department to monitor the solid waste removal and take any enforcement actions necessary to regain compliance at this facility.

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.

Von Vittersan-Lecopla, USA, LLC
c/o David S. Goldberg, ESQ
January 25, 2008
Page 3

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: Ron Fodo, SIU-NEDO
Kris Coder, DHWM-NEDO
Kevin Francis, Trumbull County Health Department
Don Waldron, Trumbull County Local Emergency Planning Committee
Greg Kovalchick, Geauga-Trumbull Solid Waste Management District
File: [Tukel/Coun/Massacci/COR/78]