



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CERTIFIED MAIL

June 29, 2009

David Meeker
Intrinergy, LLC
1309 East Cary Street
Suite 200
Richmond, VA 23219

RE: ENVIVA MATERIALS OF YOUNGSTOWN, LLC, SCRAP TIRE RECOVERY FACILITY, COMPREHENSIVE INSPECTION

Dear Mr. Meeker:

On June 29, 2009, I attempted to conduct a comprehensive compliance inspection of the Enviva Materials (Facility) scrap tire recovery facility located at 1130 Performance Place, Youngstown, OH 44502, in Mahoning County. The purpose for this inspection was to determine compliance with the requirements set forth in Chapter 3745-27-66 of the Ohio Administrative Code (OAC) as they pertain to closure of a scrap tire recovery facility. There was no one available at the facility at the time of the inspection.

In a letter dated September 29, 2008, Jarnal Singh of Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO), detailed his final closure inspection that he conducted with Mr. Earl Cindea on August 28, 2008. At the time of his inspection he concluded that no scrap tires remained at the facility and that the closure requirements of OAC Rule 3745-27-66 had been satisfied with the exception of paragraphs (C)(3)(d) and (E) of the Rule.

As of the date of this letter, paragraphs (C)(3)(d) and (E) of OAC Rule 3745-27-66 have not been satisfied. Therefore, the Facility is in violation of the following:

OAC Rule 3745-27-66(C)(3)(d) which states that *"(n)ot later than thirty days after a scrap tire collection, storage, or recovery facility has ceased to accept scrap tires, the facility owner shall...(s)ubmit the final annual report for the facility, as required by paragraph (J)(3) of rule 3745-27-65 of the Administrative Code, to the director."*

OAC Rule 3745-27-66(E) which states that *"(n)ot later than thirty days after completing the requirements as outlined in paragraphs (B), (C), and (D) of this rule or before the closed facility may be converted to other uses, whichever occurs first, the owner or operator shall submit to the licensing authority written certification that the facility has been thoroughly cleaned and closed pursuant to paragraphs (B), (C), and (D) of this rule."*

ENVIVA MATERIALS OF YOUNGSTOWN, LLC
JUNE 29, 2009
PAGE – 2 –

In order to obtain final closure of the facility per the Rule, the Facility must submit the final annual report and closure certification pursuant to the information detailed above. Upon receipt of those documents, Ohio EPA will issue written concurrence that the Facility has completed all closure requirements contained in OAC Rule 3745-27-66.

This letter shall not be interpreted to release the entity from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code (ORC) or under the Federal Clean Water Act or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any comments or questions concerning the contents of this letter, please do not hesitate to contact me at (330) 963-1103.

Sincerely,



Joshua D. Adams, R.S.
Division of Solid and Infectious Waste Management
Northeast District Office

JDA:ddw

cc: Robert Large, DSIWM-CO
file: [tire/enviva materials/cor/50]

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1. Article Addressed to:
DAVID MEEKER
INTRINERGY, LLC
1309 EAST CARY STREET
SUITE 200
RICHMOND VA 23219

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 Carly Jones Agent
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J. ADAMS 6/29/09