



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 14, 2009

**RE: RESERVE AT KENSINGTON  
TWINSBURG TOWNSHIP  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**

Trip Morris  
Tri-Mor Corporation dba Trimor  
8530 North Boyle Parkway  
Twinsburg, Ohio 44087

Thomas Carlini  
Cannon One LLC  
8530 North Boyle Parkway  
Twinsburg, Ohio 44087

Dear Mr. Morris and Mr. Carlini:

On September 4, 2009, Ohio Environmental Protection Agency (Ohio EPA) inspected the quarry fill area near the Reserve at Kensington, Twinsburg Township, in Summit County. The purpose of the inspection was to investigate a complaint that the Twinsburg Township office received from neighboring residents of the quarry. This letter provides a notice of violations regarding the management of the fill material.

The complaint indicated a concern that the fill material may contain solid wastes and/or construction and demolition debris (C&DD). The Reserve at Kensington is a new housing development located east of Liberty Road and north of Simecek Drive. The quarry is located east of the dead end of Sasha Court. The filling at the east end of the quarry is a separate construction activity; not part of the new housing development. The amount of fill being brought in is significant. The depth of fill appears to be at least 50 feet.

The fill area has a permit issued by Ohio Department of Natural Resources (ODNR) Division of Mineral Resource Management (DMRM). The surface mine renewal permit was issued to Ohio Bulk Transfer Company c/o Independence Excavating. The permit expires on August 29, 2018.

On September 4, 2009, John Schmidt and I, Ohio EPA, Division of Solid and Infectious Waste Management, inspected and photographed the fill area. Inspection observations and violations are below.

1. A bag of garbage and a tree trunk, considered yard waste, and an orange and white street pylon was seen in the fill area. These items are solid wastes that have been open dumped.

Trip Morris, Tri-Mor Corporation dba Trimor  
Thomas Carlini, Cannon One LLC  
October 14, 2009  
Page 2

You are in violation of Ohio Administrative Code (OAC) 3745-27-05(C) because solid wastes were open dumped in the fill area. This rule states, "*No person shall conduct, permit or allow open dumping.*"

Any solid wastes, whether incidental to the incoming loads of fill or illegally open dumped by other parties, must be removed and properly disposed at a licensed solid waste facility. You must ensure that the incoming loads consist of clean soil and/or clean hard fill (if your ODNR permit allows clean hard fill). Clean hard fill consists of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone. Ohio EPA Fact Sheet titled Clean Hard Fill is attached for your convenience.

2. Plastic drain pipes were also seen in the fill area. This is considered illegal disposal of C&DD. You are in violation of Ohio Administrative Code (OAC) 3745-400-04(B). This rule states, "*No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.*"

Any C&DD, whether incidental to the incoming loads of fill or illegally disposed by other parties, must be removed and properly disposed at a licensed C&DD facility. You must ensure that the incoming loads consist of clean soil and/or clean hard fill (if your ODNR permit allows clean hard fill).

Ohio EPA acknowledges that the amount of observed solid waste and C&DD was small when compared to the large amount of fill material. However, Ohio regulations prohibit even small amounts of illegal disposal of solid waste and C&DD. Two photos of the observed solid wastes and C&DD are attached.

We talked by phone on September 15, 2009, regarding the above. You indicated the following:

1. ODNR has issued you a reclamation permit for the filling activities at the quarry.
2. You are working with Amy Mohr, Engineer, city of Twinsburg.
3. A Notice of Intent to Fill Form, required by OAC 3745-400-05(C), was sent to Andrew Harris, Summit County Health District, Division of Environmental Health.
4. The fill area will have a final slope angle of 3:1 (three parts horizontal to one part vertical).
5. The property includes approximately 200 acres.
6. You and Cannon One LLC are the property owners.

Ohio EPA reminds you that you will need to prevent the off-site drainage of silt from the fill area during construction activities. Please follow the guidelines of erosion and sediment control standards in *Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection*. In addition, any area at

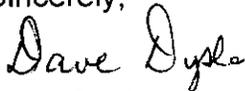
Trip Morris, Tri-Mor Corporation dba Trimor  
Thomas Carlini, Cannon One LLC  
October 14, 2009  
Page 3

final grade or any disturbed area that will remain dormant for 21 days or longer should be stabilized within seven days of the last disturbance.

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 owner/operator of Reserve at Kensington 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.

Please provide a written response to the above violations within 15 days of receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle  
Environmental Specialist  
Division of Solid and Infectious Waste Management

DD:cl

att: Two photos of site  
Clean Hard Fill Fact Sheet

cc: John Schmidt, DSIWM-NEDO  
Kelvin Rogers, DSW-NEDO  
Andrew Harris, Summit County Health Department  
Dave Ritter, Summit County Soil and Water Conservation District  
Robert Kagler, Manager, Twinsburg Township  
Terry Van Offeren, Deputy Chief, ODNR  
Mary DiGeronimo, Ohio Bulk Transfer Company c/o Independence Excavating  
File: [Sowers/COUN/Summit/GEN/77]

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Street, Apt. No., or PO Box No. *Trip Morris*  
City, State, ZIP+4 *Tri-Mor Corporation dba Trimor*

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Sent To  
Street, Apt. No., or PO Box No. *Thomas Carlini*  
City, State, ZIP+4 *Cannon One*

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Trip Morris**  
Tri-Mor Corporation dba Trimor  
8530 North Boyle Parkway  
Twinsburg, Ohio 44087

2. Article Number  
(Transfer from service label) *7009 1680 0000 6381 2715 None Duplicate 10-14-09*

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
**X** *[Signature]*  Agent  Addressee

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1. Article Addressed to:

**Thomas Carlini**  
Cannon One LLC  
8530 North Boyle Parkway  
Twinsburg, Ohio 44087

2. Article Number  
(Transfer from service label) *7009 1680 0000 6381 2708 None Duplicate 10-14-09*

**COMPLETE THIS SECTION ON DELIVERY**

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**X** *[Signature]*  Agent  Addressee

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If YES, enter delivery address below:

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 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes