



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 14, 2008

**RE: CARBON LIMESTONE LANDFILL
HAZARDOUS WASTE
NOTICE OF VIOLATION**

CERTIFIED MAIL

Tim Nytra
Site Engineer
BFIO Carbon Limestone Landfill
8100 South Stateline Road
Lowellville, OH 44436

Dear Mr. Nytra:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the report from Steven H. White & Associates, Inc. regarding the management of waste from Semper Quality Industries (Semper), located in Mentor, Ohio. The report is dated December 3, 2007, and was received by Ohio EPA on December 4, 2007. The report was submitted on behalf of Browning Ferris Industries of Ohio, Inc. (BFIO).

According to the report, BFIO Carbon Limestone Landfill accepted D001 hazardous waste "still bottoms" from Semper on several occasions between December 21, 2006 and March 2, 2007. According to the report, the waste was transported from Semper to the Glenwillow Transfer facility, located in Cuyahoga County, and then transferred to other vehicles that took the waste to Lorain County Landfill or Carbon Limestone Landfill. On all but one of the days that Glenwillow Transfer Station received waste from Semper, approximately seventy percent (70%) of the total volume was transferred to Lorain County Landfill. The remaining 30% was transferred to Carbon Limestone Landfill. On December 28, 2006, all of the waste received at the transfer facility (including Semper waste) was disposed at Carbon Limestone Landfill.

Disposing hazardous waste at the Carbon Limestone Landfill is a violation of the following:

Ohio Revised Code (ORC) 3734.02(F): "No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it..."

and,

OAC Rule 3745-27-19(E)(8)(c): "Disposal restrictions. The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility:

(c) Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code.

Tim Nytra
Site Engineer
January 14, 2008
Page 2

Please submit a response by February 14, 2008, describing how these violations will be corrected.

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

If you have any questions concerning this letter, please contact me at (330) 963-1257.

Sincerely,



Katharina Snyder
Division of Solid and Infectious Waste Management

KS:cl

cc: Mary Helen Smith, Mahoning County Health Department
Mike Heher, Carbon Limestone LF
File: [Sowers/LAND/CARBON LIMESTONE/GRO/50]

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CONFIDENTIAL

7004 2510 0005 6523 5735

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

100

Postman:
Here:

KS
1-15-08

Sent To: *Tom Nyltra*
Street, Apt. No.,
or PO Box No. *Carbon Limestone*
City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for instructions