



State of Ohio Environmental Protection Agency

Northeast District Office

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

February 6, 2007

**RE: LORDSTOWN CONSTRUCTION RECOVERY
NOTICE OF VIOLATION**

CERTIFIED MAIL

Tim Page
Lordstown Construction Recovery
6205 Newton Falls - Bailey Rd. SW
Lordstown Village, OH 44481

Dear Mr. Page:

On January 4, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the Lordstown Construction Recovery C&DD Landfill (Lordstown), located at 6205 Newton Falls - Bailey Road SW Lordstown Village, Ohio, Trumbull County. Katharina Snyder and Murat Tukul from Ohio EPA accompanied me during this inspection and Mark Schmidt represented Lordstown.

The purpose of the inspection was to investigate a verified complaint that, among other things, alleged Lordstown was accepting material that was not identifiable as construction and demolition debris. This inspection was also 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 Active Licensed Disposal Area (ALDA) was the only part of this facility inspected on this date.

During this inspection, several rail cars were unloaded and transported to the working face for disposal. The waste in these rail cars had been pulverized prior to transport to the facility. Pulverized waste may not be accepted for disposal at a construction and demolition debris facility.

The owner or operator was not attempting to remove all solid waste prior to disposal. As the trucks were dumping debris at the facility, compactors were spreading and driving over the waste, pushing it into the final disposal area before site workers could remove all of the solid waste from the load. This debris was pushed over previous loads thus covering the solid waste in the previous loads and preventing the removal of all solid waste. The owner or operator was not effectively using an unloading zone.

Failure to deposit incoming loads at a designated unloading zone and removing all prohibited waste is a violation of:

1. **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 both of the following apply: (1)The wastes constitute not more than two cubic yards per one thousand cubic yards of construction and demolition debris or four cubic yards per one thousand tons of construction and demolition debris disposed of at the construction and demolition debris facility based on the amount of construction and demolition debris disposed of at the facility on the preceding full business day as determined by using the amount of disposal fees collected under section 3714.07 of the Revised Code for wastes disposed of at the facility on that preceding full business day. (2) The owner or operator or the employees of the facility remove the solid wastes from the working face of the facility."*
2. **OAC 3745-400-11(F)(3):** *"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..."*

The solid waste observed being buried included, among other things: clothing, beverage and food containers, children's toys, magazines, newspapers, couch cushions, a blanket, tires, flower pots, a floor mat, a silverware tray, and an artificial Christmas tree. These items were not removed from the disposal area. The volume of the solid waste and the fact that it has been covered by additional waste would make removal impossible.

Disposing of solid waste and accepting pulverized waste are violations of the following rules and regulations:

1. **Ohio Administrative Code (OAC) 3745-400-11(F):** *"The owner or operator shall dispose of only construction and demolition debris as defined in rule 3745-400-01 of the Administrative Code, except as specified in this rule."*
2. **OAC 3745-400-11(F)(2):** *"The owner or operator of a facility shall not dispose of any solid wastes..."*
3. **Ohio Revised Code (ORC) 3734.03:** *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious wastes by open burning or open dumping."*

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1. **OAC 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*
2. **ORC 3714.081(A)**: *"A construction and demolition debris facility shall not accept pulverized debris."*

In order to return to compliance with applicable rules and regulations, the owner or operator must immediately cease accepting pulverized waste and remove all solid waste from incoming loads in the unloading zone. The owner or operator must also remove all prohibited material from the facility and dispose of the material in accordance with applicable regulations.

Please respond to this letter within fifteen days of receipt. Your response should include documentation that all solid waste was removed from the disposal areas, and documentations that all pulverized loads were rejected.

The owner or operator of this facility must take all actions necessary to prevent the disposal of solid waste at this facility. As we discussed on site during this inspection, the volume of solid waste in these loads would make it very difficult to comply with the rules and regulations of the state of Ohio.

The following photographs show waste from loads accepted on November 29, 2006 and January 4, 2007.

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Photo taken 11/29/2006 showing loads of construction and demolition debris

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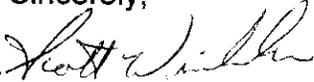
Photo taken 1-4-2007 showing pulverized debris

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.

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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: Frank Migliozi, Trumbull County Health Department
File: [Tuke/CONS/Lordstown Construction Recovery/COR/78]