



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

December 18, 2008

RE: **TIERRA SOLUTIONS
OHD 986 974 681
LAKE COUNTY
NOV/RTC**

Mr. Nathan Scott
Tierra Solutions
Two Tower Center Blvd.
10th Floor
East Brunswick, NJ 08816

Dear Mr. Scott:

On December 4, 2008, Ohio EPA received a response dated December 3, 2008 from you regarding the October 22, 2008 Notice of Violation (NOV) letter for the Tierra Solutions One Acre Landfill in Painesville, Ohio.

Based on the information submitted, it appears that the original violation cited in the NOV, **Land Disposal Restriction, OAC rule 3745-270-07(A)(2)**, was incorrect. The correct violation, since the waste is being deep well injected at Vickery without treatment is:

1. **Land Disposal Restriction, OAC rule 3745-270-07(A)(4)**: Wastes that are disposed in a no-migration unit under rule 3745-270-06 of the Administrative Code are exempt from treatment prior to land disposal. If a generator's waste is exempt, then with the initial shipment of waste, the generator must send a one-time written notice to the land disposal facility receiving the waste. The notice must include the information in Column C of Table 1 of this rule.

Information in Column C includes (for this waste stream):

- a. EPA hazardous waste numbers and manifest number of first shipment
- b. Statement: This waste is not prohibited from land disposal
- c. Waste analysis data (when available)
- d. Date the waste is subject to the prohibition (May 8, 1992)

Based on the information submitted, Tierra has since abated this violation. Ohio EPA requests that once Vickery makes changes to their boiler plate LDR, please submit a completed copy of this LDR for our files.

Failure to list specific deficiencies and/or violations in this communication does not relieve Tierra Solutions from the responsibility of complying with all applicable laws, rules and regulations.

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Be advised that the Ohio EPA reserves the right pursuant to ORC Chapters 3734 and 6111 and any other applicable state and federal laws or regulations to require further site investigation and remediation to address any unpermitted releases of hazardous waste, hazardous substances, industrial wastes, pollutants, and/or contaminants into the environment.

Further be advised that any instances of non-compliance can continue as subjects of pending or future enforcement actions.

Should you have any questions or require additional information, please contact Frank Popotnik, my supervisor, or me at (330) 963-1200.

Sincerely,



Karen L. Nesbit
Division of Hazardous Waste Management

KLN:ci

ec: Harry Sarvis, DHWM, CO
Frank Popotnik, DHWM, NEDO

cc: Natalie Oryshkewych, DHWM, NEDO
Teri Heer, DERR, NEDO
Teresa C. Jordan, TERSCO