



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 26, 2007

**RE: ~~JEFFERSON COUNTY~~
~~SITE PINE HOLLOW C&DD~~**

Robert S. Vukelic
RSV Incorporated
531 North 4th St.
Steubenville, Ohio 43952

Dear Mr. Vukelic:

On June 21, 2007, I conducted an inspection of your unlicensed Pine Hollow waste disposal facility located at 906 Backbone Ridge Road, Steubenville, Ohio. This inspection was conducted to determine your compliance with Ohio's solid waste and construction and demolition debris (C&DD) regulations and law in the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). This visit was also intended to determine your compliance with the Final Appealable Order issued by Judge Mascio of the Court of Common Pleas in Jefferson County on December 12, 2002. On January 13, 2006, the Seventh District Court of Appeals issued a ruling on motions filed by the State of Ohio and RSV, Inc.

During this inspection, I observed that vegetation is established over much of the facility. The western diversion appeared to be diverting water from upgradient of your property and discharging it below the area of waste placement.

Please be advised that you continue to be in violation for the following:

Judge Mascio's December 12, 2002 Ruling

Judge Macio granted judgment in favor of the State of Ohio and awarded penalties totaling \$413,827.00. The January 13, 2006 ruling by the Seventh District Court of Appeals upheld much of this ruling as detailed below.

Count One- Unlawful Open Dumping

Judge Mascio's December 12 ruling ordered you to pay a fine of \$10,910.00 for violations of ORC Section 3734.03 and OAC Rule 3745-27-05(C). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of this fine.

Count Four- Failure To Prepare a Monitoring Plan/Failure to Conduct Monitoring

Judge Mascio's ruling ordered you to pay \$18,970.00 for failing to develop and implement a surface water and ground water monitoring plan in violation of OAC Rule 3745-400-11(B)(12). This ruling was upheld by the Court of Appeals. The State of Ohio has not received payment of this penalty to date.

Count Five- Unlawful Water Pollution

Judge Mascio's December 12 ruling ordered you to pay \$11,420.00 for violating ORC Section 6111.04 and OAC Rule 3745-400-11(B)(16). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of these fines.

Count Six- Failure to Construct a Leachate Collection System

Judge Mascio ordered you to pay a fine totaling \$3,650.00 for failing to construct a leachate collection system in violation of OAC Rule 3745-400-11(B)(8). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of this penalty. Judge Mascio also ordered you to remove all debris in an expansion area to the previous boundaries that existed prior to December 22, 1999. Judge Mascio further ordered you to install a leachate collection system in this area if debris was not removed within 90 days of his ruling. Since debris was not removed, a leachate collection system along the east boundary of the area of waste placement is now required.

Count Seven- Failure to Maintain Permits and Authorizations

Judge Mascio's ruling ordered you to pay a fine of \$2,055.00 for failing to maintain all necessary permits for the Pine Hollow facility in violations of OAC Rules 3745-400-11(C)(2) and 3745-400-11(D)(5). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of this penalty.

Count Eight- Unlawful Acceptance of Solid Waste

Judge Mascio's ruling ordered you to pay a fine of \$44,100.00 for unlawful acceptance of solid waste in violation of 3745-400-11(F). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of this penalty.

Count Twelve- Unlawful Clipping of Debris

Judge Mascio's ruling ordered you to pay a fine of \$537.00 for violations of OAC Rule 3745-400-11 (F)(4)(c). This ruling was upheld by the Court of Appeals. To date, the State of Ohio has not received payment of this fine.

Count Sixteen- Failure to Divert Surface Water

The court determined that you illegally failed to divert surface water around your facility in violation of OAC Rule 3745-400-11(Q)(1). The penalty for violation of this OAC Rule was included in the penalty for contempt of the COPI and Agreed Judgment Entry. However, this penalty was overturned in the Court of Appeals ruling. In his ruling, Judge Mascio ordered you to complete the diversion channel. This was certified complete by your project engineer in a report received by Ohio EPA on February 6, 2006.