



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

November 30, 2011

Mr. Mark Clemson, President
Universal Disposal, Inc.
9954 Old State Road
Chardon, OH 44024

**RE: Notice of Violation
Universal Disposal, Inc.**

Dear Mr. Clemson:

This notice of violation is sent to Universal Disposal, Inc. for failure to comply with the August 26, 2011 Permit to Install for the Universal Disposal, Inc. Solid Waste Transfer Facility. Universal Disposal, Inc. Solid Waste Transfer Facility is located at 9954 Old State Road, Chardon, Ohio 44024 in Geauga County.

Permit Condition #14 states, "Not later than thirty (30) days after permit issuance, the permittee shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15 and 3745-27-17."

Financial assurance was due to Ohio EPA not later than thirty (30) days after August 26, 2011. Ohio EPA only received part of the required financial assurance, the letter of credit, on October 18, 2011, 53 days after the Permit to Install was issued. To date, Universal Disposal, Inc. has failed to submit the required financial assurance instruments required for this Permit to Install within the time outlined in the August 26, 2011 Permit To Install.

In addition, Ohio Administrative Code Rule 3745-27-15(I)(3) states, [In pertinent part] "An owner or operator who uses a letter of credit to satisfy the requirements of this rule shall also establish a standby trust fund...." On October 19, 2011, Hess Engineering was contacted by Ohio EPA via e-mail, regarding the need for a standby trust agreement when using a letter of credit financial assurance instrument. The e-mail provided an explanation of the mechanism needed and a link to the standby trust agreement form.

To date, no standby trust agreement has been received by Ohio EPA. Therefore, Universal Disposal, Inc. is in violation of the August 26, 2011 Permit to Install for failure to submit the required financial assurance within the time outlined in the Permit to Install. In addition, Universal Disposal, Inc. is in violation for failure to comply with OAC Rules 3745-27-15 and 3745-27-17.

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Universal Disposal, Inc. remains in violation of this Permit to Install and Ohio's financial assurance rules until a standby trust agreement is submitted to Ohio EPA.

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 or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (614) 728-5343 or by e-mail at fanny.haritos@epa.state.oh.us

Sincerely,



Fanny Haritos
Financial Assurance & Remediation Unit
Division of Materials and Waste Management

FH/jms

cc: Allison Giancola, DMWM, NEDO
Dave Dysle, DMWM, NEDO
Mike Tusick, Geauga County Health District
Mike Timas, Hess & Associates Engineering
Gus Saikaly, South County Consulting