



State of Ohio Environmental Protection Agency

Northwest District Office

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Lee Fisher, Lieutenant Governor
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Notice of Violation
Unitcast Foundry Sand Landfill
Lucas County

July 14, 2010

The Honorable Michael P. Bell
City of Toledo
One Government Center
Suite 2200
Toledo, Ohio 43604

Dear Mayor Bell:

The compliance obligations from the May 2, 2007, Director's Final Findings and Orders (DFF&O's) were due to be completed by the City of Toledo on May 2, 2010. On March 5, 2010, the Ohio Environmental Protection Agency (Ohio EPA) received a written request from Mr. Timothy Murphy for an extension to the May 2, 2007 DFF&O's, for the Unitcast Landfill. On April 16, 2010, Sharon Gbur, Assistant Chief, Ohio EPA, Division of Solid and Infectious Waste Management, authored a letter with an attached consensual agreement which provided for a 3-year extension to the time frames in the May 2, 2007, DFF&O's. The April 16, 2010, letter was addressed to Mr. Timothy Murphy and requested that the agreement be signed by the Mayor of the City of Toledo. As of the date of this letter, Ohio EPA has yet to receive a signed copy of the consensual agreement contained within the April 16, 2010, letter.

Order No. 4 of the DFF&O's addresses the final closure and post-closure of the site. The City of Toledo has failed to meet Order 4a, 4b or 4c and the City of Toledo is in violation of Order No. 4 of the May 2, 2007, DFF&O's.

Order No. 4 states:

Within three (3) years after the effective date of this Consent Order, the City shall complete remediation of the site in accordance with one of the following options:

- a. All spent foundry sand and other wastes shall be removed from the Site.
- b. Excavating and beneficially reusing for approved engineering uses some portion of the spent non-toxic foundry sand using the balance of the spent non-toxic foundry sand for engineering use(s) on the Site,

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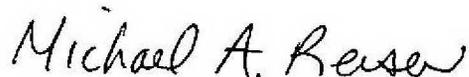
- b. Excavating and beneficially reusing for approved engineering uses some portion of the spent non-toxic foundry sand using the balance of the spent non-toxic foundry sand for engineering use(s) on the Site, including the Sand Parcel, provided that the city presents documentation acceptable to the Ohio EPA that demonstrates that the remaining material on Site is not solid waste.

- c. If any spent foundry sand and/or other solid wastes remain on the Site, the landfill shall be closed in accordance with the approved closure plan.

The City of Toledo will remain in violation of Order No. 4 of the May 2, 2007, DFF&O's until the consensual agreement included with the April 16, 2010, letter is signed and returned to Ohio EPA or the obligations under the May 2, 2007, DFF&O's are addressed.

Please feel free to contact me by email at mike.reiser@epa.state.oh.us or by telephone at 419-373-3126 if you have questions regarding this letter.

Sincerely,



Michael A. Reiser
Environmental Supervisor
Division of Solid and Infectious Waste Management

/lb

pc: Jodi Vaughan, Toledo/Lucas Co Health Dept
Timothy Murphy, City of Toledo Environmental Services
~~File: Lucas County, Unitcast Landfill~~

ec: Sharon Gbur, DSIWM, CO
John Pasquarette, DSIWM, NWDO
Mike Reiser, DSIWM, NWDO
Sue Hardy, DSIWM, NWDO