



**Environmental
Protection Agency**

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

April 9, 2012

RE: NOTICE OF VIOLATION

CERTIFIED MAIL 7010 3090 0000 3936 7471

Murl Clemson
Owner
Universal Disposal, Inc.
9954 Old State Road
Chardon, Ohio 44024

Dear Mr. Clemson:

This letter provides a notice of violation and comments regarding unauthorized construction activities that occurred at Universal Disposal's solid waste transfer building in March 2012. The facility collects and transfers residential and commercial solid waste. Universal Disposal also provides septic cleaning, roll off containers, mulch services, and stores clean hard fill. The facility is located at 9954 Old State Road in Chardon, Ohio. The solid waste transfer building permit was authorized by the Ohio Environmental Protection Agency (Ohio EPA) on August 26, 2011.

On April 3, 2012, Ohio EPA received an e-mail from Mike Timas, Hess & Associates Engineering, Inc. (HAE) on behalf of Universal Disposal, indicating that construction activities had occurred in March 2012 at the transfer building. Specifically, the concrete floor under the waste compactor had been chipped away, repoured and resloped. This area is considered to be part of the leachate collection system. This area was also addressed in a proposed alteration request dated January 12, 2012. (The alteration request proposes the addition of a scale house and changes to the facility boundary, leachate management system, and building operations approved in the solid waste transfer facility permit authorized on August 26, 2011.

On April 4, 2012, Allison Giancola and I (Dave Dysle), Ohio EPA, called Mr. Timas, HAE, to clarify the e-mail information. Ohio EPA verified that changes were made to the compactor floor, a component of the leachate collection system, that did not have prior approval, as required by Ohio Administrative Code (OAC) 3745-27-23(D)(2). Mr. Timas explained that the changes to the leachate collection system occurred when Universal Disposal was making improvements to the latching system that connects the semi-truck trailer to the compactor while it is being loaded. Apparently this seemed to be the opportune time to break out the concrete floor under the compactor.

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Ohio EPA appreciates that Universal Disposal was self-reporting in this violation. Please follow through with the existing alteration request and with the requests in this letter.

Violation

OAC 3745-27-23(D)(2) states,

“Any deviation in the initial construction and subsequent construction of the leachate management system, or waste handling area floor from the authorizing documents is considered an alteration and must be concurred with in writing by Ohio EPA prior to making the change.”

Universal Disposal is in violation of the above rule due to making unauthorized changes to the leachate collection system without prior approval from Ohio EPA.

This violation is rather perplexing because Universal Disposal was in the process of receiving the required prior approval to make changes to the facility through an alteration request. Universal Disposal had sent an alteration request to allow construction activities at the transfer building. Ohio EPA reviewed the request and e-mailed a notice of deficiency dated February 28, 2012. Universal has not received approval for the proposed alteration of the permit due to deficiencies.

To achieve compliance with the above rule, Universal Disposal must submit a certification report for the changes that occurred in March 2012. The certification reports needs to include:

- Narrative and plan drawings summarizing the changes from the August 26, 2011 solid waste permit.
- Signature of the owner or operator and certifying engineer stating that the activities have been constructed properly.
- A request for approval of the alterations.

As a reminder, any future construction that is considered a deviation from the August 26, 2011 solid waste permit, Universal Disposal is required to obtain written concurrence for the alteration by Ohio EPA prior to making the change.

Comments

1. The authorized permit states that waste is not dumped on the floor. This includes the upper floor, the compactor floor and the loading (lower) floor. The waste can only be moved from one container to another container. In the proposed alteration request, at page 7, the permit states, "any unintentional or accidental spillage of waste within the waste handling area will be swept up off the floor and shoveled into portable 90-gallon covered containers immediately."

In order to be exempt from OAC 3745-27-22(L) the waste handling floor rule, the construction of portable containers is such that access by vectors, precipitation and surface waters and the release of leachate from the containers is precluded.

Ohio EPA reminds Universal Disposal that this may be difficult to achieve since at least several shovels of waste drops on the upper floor when moving waste from a packer truck to the waste chute/compactor and when loading the semitrailer at the lower floor. Universal Disposal may want to consider submitting an alteration request to properly permit a solid waste handling floor that meets the requirements of OAC 3745-27-22. That way, solid waste could be spilled on the floor without causing a violation of OAC 3745-27-23(A). This rule states, "the owner or operator shall conduct all operations at the solid waste transfer facility in compliance with approved detail plans, specifications, and information, the terms and conditions of the permit to install...."

2. Leachate should not be on any floor in the transfer building. This includes the upper floor, the compactor floor and the loading (lower) floor. Again, this is because the waste can only be moved from one container to another container. Any incidental spillage of leachate must be immediately cleaned up.
3. The April 3, 2012 e-mail mentions that additional changes are needed. Universal Disposal needs to submit an alteration request and received approval prior to making any changes, pursuant to OAC 3745-27-23(D)(2). Universal Disposal should amend the alteration request pursuant to the e-mail dated February 28, 2012. The narrative and plan drawings from the existing PTI shall be submitted that are affected by the proposed changes.

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 Universal Disposal from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive

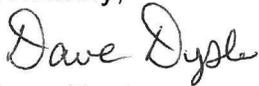
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Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please respond to the above violation and comments within 14 days of receipt of this letter. Please include a description and/or schedule for compliance. Please include descriptions of the transfer containers that were used in the attached summary.

If you should have any questions regarding this letter, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

cc: Dave Sage, Geauga County Health Department
Allison Giancola, DMWM, NEDO
File: [Sowers/TRAN/Universal Waste/COR/28]