



Environmental  
Protection Agency

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

June 15, 2012

RE: **BROOKPARK LANDFILL  
CUYAHOGA COUNTY  
NOTICE OF VIOLATION**

Richard S. Wasosky, P.E. P.S. **CERTIFIED MAIL 7011 0470 0002 3496 2839**  
Euthenics, Inc.  
8235 Mohawk Drive  
Cleveland, Ohio 44136

Brad Gentile **CERTIFIED MAIL 7011 0470 0002 3496 2846**  
IX Center Corporation  
1 IX Center Drive  
Cleveland, Ohio 44135

Dear Mr. Wasosky and Mr. Gentile:

On May 29, 2012, Ohio Environmental Protection Agency (Ohio EPA) received a facsimile from Euthenics, Inc. containing testing results for foundry sand sampled during drilling conducted for the "IX Center Proposed Outfall Storm Sewer Location." Additional information was received on May 30, 2012, including a map showing the location and boring logs for borings which had been conducted on May 2 and May 7, 2012. The borings were conducted on the Brookpark Landfill which is owned by the city of Cleveland and leased by IX Center Corporation.

Ohio Administrative Code (OAC) Rule 3745-27-13(A) states:

*No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule.*

Authorization was not obtained from Ohio EPA prior to conducting drilling on the landfill; therefore, you are in violation of the above rule. Please provide a response to this letter within 15 days of receipt.

Prior to engaging in any additional activity at the landfill, please be aware that authorization must be requested and obtained pursuant to OAC Rule 3745-27-13. The correspondence dated May 29, 2012 stated that "the foundry sand will be removed from the proposed IX Center outfall sewer trench and buried on site and covered with a 3 foot deep layer of clay." OAC Rule 3745-27-13(H)(6) states "no excavation of waste shall