



Environmental
Protection Agency

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

July 9, 2012

**OPEN DUMPING
SOIL REMEDIATION, INC.**

CERTIFIED MAIL 7011 0470 0002 3496 4833

David Gennaro
c/o Gennaro Pavers, Inc. and
Soil Remediation, Inc.
6065 Arrel-Smith Rd.
Lowellville, OH 44436

Dear Mr. Gennaro:

On June 26, 2012, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Gennaro Pavers, Inc. properties located at 6065 Arrel-Smith Road, Lowellville, Mahoning County. The following representatives of Ohio EPA's Northeast District Office (NEDO) were present during the inspection: Katharina Snyder, Division of Materials and Waste Management (DMWM); Zorica Dejanovic, Division of Air Pollution Control (DAPC); John Kwolek and Chris Moody, Division of Surface Water (DSW). Representing Soil Remediation Inc. (SRI), a division of Gennaro Pavers, Inc., were David Gennaro and Frank Naples. Technical consultants for SRI, Barbara Knecht and Jason McKenney of HZW were also present during the inspection.

Ohio EPA observed open dumping of solid waste and scrap tires.

The following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) were observed at the properties:

- 1. Open Dumping of Solid Waste:** During this inspection solid waste, including but not limited to plastic sheeting, was observed open dumped in areas of soil placement located east of the main office building on what appears to be portions of parcels No. 40-002-0-005.00-0 and No. 40-004-0-035.00-0. The solid waste was mixed with and buried under the soil. In order to return to compliance with all applicable laws and rules, the owner(s) of these properties must immediately remove all solid waste and properly dispose of it at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of these properties must also take all necessary measures to prevent additional solid waste from being open dumped.

The open dumping of solid waste on these properties is a violation of the following laws and rules:

- **ORC Section 3734.03:** *"No person shall dispose of solid wastes by open burning or open dumping..."*

- **ORC Section 3734.02(C)**: *“...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director...”*
- **ORC Section 3734.05(A)(1)**: *“...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection...”*
- **ORC Section 3734.05(A)(2)**: *“...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility...”*
- **ORC Section 3734.11(A)**: *“No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.”*
- **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*
- **OAC Rule 3745-37-01(A)**: *“No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director...”*

2. **Open Dumping of Scrap Tires:** During this inspection Ohio EPA observed scrap tires open dumped on parcel No. 40-002-0-002.00-0. The pile of tires is located southeast of the maintenance building.

The open dumping of scrap tires at this location is a violation of the following:

- **ORC Section 3734.03**: *“No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...”*
- **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*

3. Failure to Control Mosquitoes:

The failure to control the breeding of mosquitoes in the scrap tires open dumped at this location is a violation of the following:

- **OAC Rule 3745-27-60(C)**: *“Anyone storing scrap tires shall maintain mosquito control as follows:*
 - (1) *One or more of the following shall be done to control mosquitoes:*
 - (a) *Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.*
 - (b) *Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
 - (c) *Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio Department of Agriculture.*
 - (2) *Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.*
 - (3) *Maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner of the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years.”*

4. Director’ Final Findings and Orders dated February 20, 2008:

Open dumping of solid waste at these properties is a violation of order No. 2, which states:

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“Respondent shall not accept, or dispose of, at the Site solid waste or, regardless of whether Respondent agrees that it is solid waste, iron oxide or flue dust without obtaining in advance authorization from Director to beneficially reuse such materials or to engage in an alternative disposal method described in OAC Rule 3745-27-05(A)(4).”

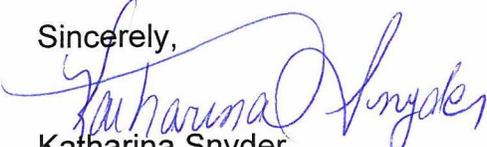
In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all scrap tires and transport them via a scrap tire transporter which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio.

Please address the above violations immediately, and notify me, in writing, within 30 days of receiving this letter. The response should indicate the measures which have been taken to correct these violations.

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, Gennaro Pavers, Inc. and Soil Remediation, Inc., or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1133, or preferably e-mail me at ["katharina.snyder@epa.state.oh.us."](mailto:katharina.snyder@epa.state.oh.us)

Sincerely,



Katharina Snyder
Environmental Specialist
Division of Materials and Waste Management

KS/cl

cc: Zorica Dejanovic, Ohio EPA, DAPC, NEDO
Chris Moody, Ohio EPA, DSW, NEDO
John Kwolek, Ohio EPA, DSW, NEDO
Mary Helen Smith, Mahoning County Health Department
File: [Sowers/COUN/Mahoning/Gen/50]