



Environmental
Protection Agency

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

July 23, 2012

RE: LUCKY SAND & GRAVEL CO.
REGISTERED CLASS III
COMPOST FACILITY
NOTICE OF VIOLATION

CERTIFIED MAIL 7012 1010 0002 2260 0123

Bernard Udelson
12018 Frost Road
Manuta, OH 44255

Dear Mr. Udelson:

It has been brought to the Ohio Environmental Protection Agency's (Ohio EPA) attention that you (Bernard Udelson) are no longer operating the Registered Class III Compost Facility (Ohio EPA ID # 67-C3R-0015) situated at Lucky Sand & Gravel on Frost Road in Mantua, Ohio. Ohio EPA records indicate that a registration application was received by Ohio EPA on October 9, 1992, and an Acknowledgement of Registration was issued to Lucky Sand & Gravel Co. on October 27, 1992.

Amendments to your existing registration are required to be submitted to Ohio EPA. **Ohio Administrative Code (OAC) 3745-560-300(F)** states;

"The registrant shall ensure that changes to the composting facility are in compliance with applicable regulations and all information contained on the plan view drawing and registration application is current by submitting an amended registration application as follows:

(1) An amendment to an existing registration is required for changes in the information on the registration application, which may include but is not limited to, facility name, registrant, and contact information including the operator and property owner.

(2) An amendment to an existing registration involving any proposed change to the materials placement area shall include a revised plan view drawing submitted prior to implementation of any change. The plan view drawing shall include the information required in this rule. Any change to the materials placement area requires written concurrence from Ohio EPA acknowledging compliance with this chapter. If the amendment to the existing registration does not involve any proposed changes to the existing registration's plan drawing, the amendment may reference the existing registration's plan drawing."

Bernard Udelson
July 23, 2012
Page 2

Please provide updated information to the existing Lucky Sand & Gravel Co. registration. An updated plan view drawing, which provides the information specified in OAC 3745-560-300(B)(2), must also be included in your submittal.

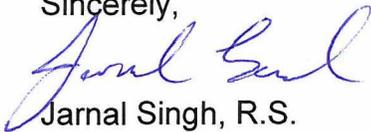
For your reference, the following documents have been included in this letter:

- October 1992 Class III Registration Form and Ohio EPA's Acknowledgment of Registration
- New Class III Composting Facility Registration/Amendment Form.
- OAC Chapter 3745-560-300(B)(2) requirements.

Please submit the above requested information, to my attention, within 30 days of your receipt of this letter. In the meantime, if you have any questions, feel free to contact me at (330) 963-1276 or by e-mail at Jarnal.Singh@epa.state.oh.us.

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 Entity 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 for remedying conditions resulting from any release of contaminants to the environment. You are responsible for contacting Ohio EPA's Division of Surface Water, U.S. Army Corps of Engineers and any other agencies for other applicable permits, etc.

Sincerely,



Jarnal Singh, R.S.
Environmental Specialist
Division of Materials and Waste Management

JS:cl
Enclosures

cc: Jack Madved, Portage County Health Department
Howard Studer
File: [Sowers/COMP/Portage County/GEN/67]