



Environmental
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

July 27, 2012

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

CERTIFIED MAIL 7012 1010 0002 2260 0512

Bernard Udelson
Lucky Sand & Gravel, Inc.
213 S Chestnut St
Ravenna, OH 44266

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) Lucky Sand & Gravel situated 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
Lucky Sand & Gravel, Inc.
July 27, 2012
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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.

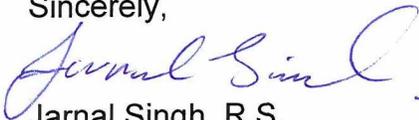
For your reference, the following documents have been included in this letter;

- 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]



State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020
FAX (614) 644-2329

George V. Voinovich
Governor

Donald R. Schregardus
Director

OCTOBER 27, 1992

RE: ACKNOWLEDGEMENT OF REGISTRATION
AS A CLASS III COMPOSTING FACILITY
ID NO.: 67-3-0015 PORTAGE COUNTY

LUCKY SAND & GRAVEL CO
ATTN: MR. JEREMY SAMSON
12018 FROST ROAD
MANTUA, OH 44255

DEAR MR. SAMSON:

This letter is to notify you of your registration with the Ohio EPA as a Class III composting facility. Please find enclosed your Acknowledgement of Registration. You must notify the Ohio EPA, Division of Solid and Infectious Waste Management, of any changes to your initial registration that may be desired.

As a Class III composting facility, you must maintain compliance with all applicable provisions of Chapters 3745-27 and 3745-37 of the Ohio Administrative Code (OAC).

In accordance with OAC Rule 3745-27-40, Class III composting facilities are facilities that:

- (1) (a) Accept only source-separated yard waste and/or animal wastes;
- (b) May utilize the following source-separated bulking agents: wood chips, shredded newspaper, shredded cardboard, sawdust and/or shredded brush. Such bulking agents may be commingled;
- (c) Restrict the limits of materials placement on the facility site to less than fifteen thousand square yards of total area;
- (2) Are subject to the requirements of Rules 3745-27-41 and 3745-27-44 to 3745-27-47 of the OAC; and
- (3) Are exempt from the requirements of Chapters 3745-28 and 3745-37 of the OAC.

Should you have any questions concerning your registration or composting regulations, please contact the Ohio EPA, Division of Solid and Infectious Waste Management at (614) 644-2917, the appropriate Ohio EPA District Office or your local Health Department.

Any questions concerning this registration procedure should be directed to the Ohio EPA, Division of Solid and Infectious Waste Management, Attn: Data Management Section at (614) 644-2977.

Sincerely,

THOMAS E. CREPEAU, Manager
Data Management Section
Division of Solid and Infectious Waste Management

Enclosure

cc: OHIO EPA, IIEDO
PORTAGE CNTY HEALTH DEPT
CHIEF, DSIWM



CLASS III COMPOSTING FACILITY

**ACKNOWLEDGEMENT
OF
REGISTRATION**

REGISTRANT: LUCKY SAND & GRAVEL CO

NAME OF FACILITY: LUCKY SAND & GRAVEL CO

STREET ADDRESS: 12018 FROST ROAD

CITY, STATE, ZIP: MANTUA, OH 44255

ID NUMBER: 67-3-0015 REGISTRATION RECEIVED: 10/09/92

A CLASS III COMPOSTING FACILITY MUST MAINTAIN COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF CHAPTERS 3745-27 AND 3745-37 OF THE OHIO ADMINISTRATIVE CODE (OAC).

PURSUANT TO OAC RULE 3745-27-40, CLASS III COMPOSTING FACILITIES ARE FACILITIES THAT:

- (A) ACCEPT ONLY SOURCE-SEPARATED YARD WASTE AND/OR ANIMAL WASTES; AND**
- (B) MAY UTILIZE THE FOLLOWING SOURCE-SEPARATED BULKING AGENTS: WOOD CHIPS, SHREDDED NEWSPAPER, CARDBOARD, SAWDUST, AND/OR SHREDDED BRUSH. SUCH BULKING AGENTS MAY BE COMMINGLED.**
- (C) RESTRICT THE LIMITS OF MATERIALS PLACEMENT ON THE FACILITY SITE TO LESS THAN FIFTEEN THOUSAND SQUARE YARDS OF TOTAL AREA.**

**SOLID WASTE COMPOSTING FACILITY
CLASS II / CLASS III
REGISTRATION FORM**

007-08 1992

INSTRUCTIONS: Submittal of a registration form is required for a new or existing class II or class III solid waste composting facility under the provisions of Rule 3745-27-41 of the Ohio Administrative Code (OAC). Not less than 90 days prior to the date on which a new class II or class III composting facility will accept solid waste, the registrant shall submit a registration form to the Director and a copy to the approved health district having jurisdiction. A registration will not be considered complete unless all applicable questions are answered and the required information, as stated in Rule 3745-27-41 of the OAC, is submitted to the OEPA. This application must be signed in accordance with Rule 3745-27-41 of the OAC and only original signatures will be processed, facsimiles of signatures cannot be accepted. Please type or legibly print all required information. No registration fee is required. If you have any questions, please contact the Division of Solid and Infectious Waste Management at (614) 644-2917. Please submit completed registration form and all required information as stated in Rule 3745-29-41 of the OAC to: Ohio EPA, Division of Solid and Infectious Waste Management, Data Management Section; 1800 Watermark Drive, P.O. Box 1049, Columbus, Ohio 43266-0149.

For Office Use Only

Registration No.: 167-3-0015

Date Received DO: 10-9-92

District Office: WEDD

Date Received DG: _____

SECTION A. FACILITY INFORMATION:

Name of Facility: Lucky Sand & Gravel Company

Street Address: 12018 Frost Rd. (216) 562 6196
(Telephone)

Mantua, Ohio 44255 Portage
(City) (State) (ZIP Code) (County)

Contact Person: Jeremy Samson (216) 562 6196
(Telephone)

Health District in which facility is located.: Portage County

Indicate type of Solid Waste Composting Facility: _____ Class II or Class III

Was the facility in operation prior to June 1, 1992? Yes or _____ No

Y = 113092

SECTION B. FACILITY LOCATION: Please state as completely as possible the location of the facility.

This facility will be constructed as part of a 150 acre parcel of land owned by the Lucky Sand & Gravel Co. and permitted by the Ohio Dept. of Natural Resources for removal of sand & gravel approx. 1/2 mile north of Rt. 82 on Frost Rd. in Mantua Township. It's primarily farm land.
Example: The facility will be constructed on a 20 acre plot of land located on Harris Pike, approximately 4.25 miles North of the intersection of State Route 15 and Harris Pike.

SECTION C. REGISTRANT:

Name: Lucky Sand & Gravel Co.

Street Address: 12018 Frost Rd.
Mantua, Ohio 44255 (216) 562 6196
(City) (State) (ZIP Code) (Telephone)

Contact Person: Jeremy Samson (216) 562 6196
(Telephone)

SECTION E. AUTHORIZED MAXIMUM DAILY WASTE RECEIPTS: Only complete this block if registering a Class II composting facility.

Enter the requested authorized maximum daily waste receipts (AMDWR) which will be received by the facility. Please specify AMDWR in cubic yards. The following conversion equation may be used to convert Tons to equivalent cubic yards. 1 Ton = 3 cubic yards (cu.yds.)	cu.yds
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SECTION F. CLASS II COMPOSTING FACILITY AREA AND CAPACITY: Only complete these blocks if registering a Class II composting facility.

Please calculate the maximum land surface area, in square yards, for each of the following:

Please calculate the maximum storage capacity, in cubic yards, for each of the following:

Area utilized for composting	a)	sq.yds.	Capacity of composting area	g)	cu.yds.
Storage area for bulking agents	b)	sq.yds.	Storage capacity of bulking agents	h)	cu.yds.
Storage area for curing compost	c)	sq.yds.	Storage capacity of curing compost	i)	cu.yds.
Storage area for cured compost	d)	sq.yds.	Storage capacity of cured compost	j)	cu.yds.
Enter the total sum of the storage areas which will be used for the placement of the above materials. (Add blocks a,b,c,d)	e)	sq.yds.			
Subtract 15,000 sq.yds. from the amount found in block (d) and enter the number into block (f). If the amount in block (d) is less than or equal to 15,000 sq.yds., enter zero into block (f).	f)	sq.yds.	Enter the storage capacity of cured compost for the area in block (f).	k)	cu.yds.

SECTION G. CLASS II COMPOSTING FACILITY ESTIMATED CLOSURE COSTS: Only complete this block if registering a Class II composting facility.

The estimated cost of disposing or transferring 1 cu.yd. of composting waste/material.	l) \$	/cu.yd.
The total capacity of composting area, enter amount found in block (g).	m)	cu.yds.
The estimated cost of disposing or transferring the total facility compost capacity. Multiply block (l) and block (m).	n) \$	
The estimated cost of disposing or transferring 1 cu.yd. of curing compost.	o) \$	/cu.yd.
The total storage capacity for curing compost, enter amount found in block (i).	p)	cu.yds.
The estimated cost of disposing or transferring the total facility capacity for curing compost. Multiply block (o) and block (p).	q) \$	
The estimated cost of disposing or transferring 1 cu.yd. of cured compost.	r) \$	/cu.yd.
The storage capacity for cured compost, enter number found in block (k).	s)	cu.yds.
The estimated cost of disposing or transferring the facility cured compost. Multiply block (r) and block (s).	t) \$	
The estimated cost of disposing or transferring 1 cu.yd. of bulking agents.	u) \$	/cu.yd.
The total storage capacity for bulking agents, enter number found in block (h).	v)	cu.yds.
The estimated cost of disposing or transferring the total facility capacity for bulking agents. Multiply block (u) and block (v).	w) \$	
The estimated final closure cost at the point in the operating life of the composting facility when the extent and manner of its operation would make final closure the most expensive. (Add blocks n, q, t, w)	x) \$	

SECTION J: LOCATION CERTIFICATION STATEMENT (Continued):

The registration application must be signed by:

- 1) in the case of a corporation, by a principal executive officer of at least the level of vice-president, or his duly authorized representative, if such representative is responsible for the overall operation of the facility; or
- 2) in the case of a partnership, by a general partner; or
- 3) in the case of sole proprietorship, by the proprietor; or
- 4) in the case of a municipal, state, federal, or other government premise, by the principal executive officer, the ranking elected official, or another duly authorized employee.

The registrant understands that he shall allow the Director of the Ohio EPA, or an authorized representative, upon presentation of credentials to:

- 1) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations, or vehicles regulated or required in accordance with Ohio Revised Code Chapter 3734, and rules promulgated thereunder.
- 2) Have access to and copy, at any reasonable time, any records that must be kept in accordance with Ohio Revised Code Chapter 3734, and rules promulgated thereunder.

I CERTIFY UNDER PENALTY OF LAW THAT I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS APPLICATION AND ALL ATTACHMENTS AND THAT BASED ON MY INQUIRY OF THOSE PERSONS IMMEDIATELY RESPONSIBLE FOR OBTAINING THE INFORMATION CONTAINED IN THE REGISTRATION APPLICATION, I BELIEVE THAT THE INFORMATION IS TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT.

Bernard Udelson, President
Registrant - print name

Bernard Udelson Pres
Signature Date

ARLEEN J. NOVOTNY
NOTARY PUBLIC - STATE OF OHIO
My Commission Expires Dec. 17, 1995
Notary - print name

Arleen J. Novotny 10-6-92
Signature Date

Location certification statement must be notarized by a notary republic. Only applications containing original signatures will be processed; facsimiles of signatures can not be accepted.

SECTION H. CLASS II COMPOST FACILITY: Attach unaudited draft of the financial assurance instrument, in accordance with Rule 3734-27-15 of the OAC, that will be used to assure proper closure of the facility if registering as a Class II composting facility.

SECTION I. CLASS III COMPOSTING FACILITY: Only complete this block if registering a Class III composting facility.

What is the maximum land surface area which will be utilized for materials placement?	<p>135,000 sq. ft. 135,000 500,000 911,242</p>
State the maximum combined capacity, in cubic yards, available at the facility for the storing of composting, bulking agents, curing compost, and cured compost.	<p>10,000 cu. yds.</p>

SECTION J. LOCATION CERTIFICATION STATEMENT:

On the date the registration is received by the Director, the limits of solid waste placement are:

- Not located in a floodway; or
- Not located, (except for facilities which exclusively compost wastes generated within state or national parks or national recreation areas) in:
 - * A national park or national recreational area; or
 - * A state park or an established state park purchase area; or
 - * A candidate area for potential inclusion in the national park; or
 - * Any property that lies within the boundaries of a national park or national recreation area but that has not been acquired or is not administered by the secretary of the United States Department of the Interior; and
- At least 100 feet from any surface waters of the state; and
- At least 200 feet from a public water supply well or a private potable water supply well, unless any of the following conditions are met:
 - * The water supply well or developed spring is:
 - Controlled by the registrant; and needed as source of nonpotable water in order to meet the requirements of Paragraph (B)(1) and (B)(7) of Rule 3645-27-45 of the OAC, and no other reasonable alternate is available; and
 - Constructed to prevent contamination of the ground water; or
 - * The water supply well or developed spring was constructed and is used solely for monitoring ground water quality;
- At least two hundred feet from a domicile, unless any of the following conditions are met:
 - * The facility is a Class III composting facility that was in operation on July 1, 1991 and the facility provides documentation of the receipt of solid wastes and/or distribution of compost prior to July 1, 1991; or
 - * The domicile is controlled by the registrant; and
- At least five hundred feet from:
 - * An area designated by the Ohio Department of Natural Resources as either a state nature preserve, a state wildlife area, or a state scenic river; or
 - * An area designated, owned, and managed by the Ohio Historical Society as a nature preserve; or
 - * An area designated by the United States Department of the Interior as either a national wildlife refuge or a national scenic river; or
 - * An area designated by the United States Forest Service as either a special interest area or a research natural area in the Wayne National Forest; or
 - * Surface waters of the State designated by the Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

Continued on next page.

NORTH



DRIVEWAY

EXISTING HIGHWALL

STORAGE
CURED
COMPOST

STAGING
&
STORAGE

COMPOST WINDROWS

SURFACE WATER

2/1/18

