



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 29, 2012

**RE: DISPOSAL FEE REMITTANCE  
NOTICE OF VIOLATION**

**CERTIFIED MAIL 7012 1010 0002 2260 0604**

Mr. Mark Clemson  
Universal Disposal  
9954 Old State Rd.  
Chardon, Ohio 44024

Dear Mr. Clemson:

On June 15, 2012, the Universal Disposal Transfer Facility was issued a letter by Ohio EPA indicating that a disposal fee report had not been submitted for April 2012. Since that time, there have been one or more phone calls between Ohio EPA and representatives of Universal Disposal, as well as e-mail correspondence between Ohio EPA and Joe Koncelik, to try to clarify and resolve this situation. This letter is intended to clarify Ohio EPA's position on the matter and move toward a resolution.

On September 1, 2011, the Universal Disposal Transfer Facility, located in Chardon, was issued its first annual operational license. Ohio Administrative Code (OAC) 3745-502-02(B)(1) states:

*"As a trustee of the state, the owner or operator of a solid waste disposal or solid waste transfer facility, as applicable, shall collect fees on the transfer or disposal of solid waste in accordance with the schedule levied under division (A) of section 3734.57 of the Revised Code."*

Further, OAC 3745-502-02(B)(2)(a) states:

*"When solid waste is received at a solid waste transfer facility that is located in this state for subsequent transfer to a solid waste disposal facility, the owner or operator of the solid waste transfer facility shall collect and remit the applicable state disposal and environmental protection fees. Under these circumstances, the owner or operator of the receiving solid waste disposal facility shall not be required to collect the state disposal and environmental protection fees."*

As an operating transfer facility that was accepting and transferring waste, the Universal Disposal Transfer Facility was subject to OAC 3745-502-02 and should have been collecting and remitting fees in accordance with that rule since at least September 1, 2011. However, e-mail correspondence from Joe Koncelik on June 26, 2012 indicates

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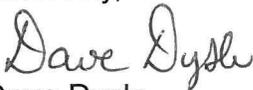
that based on guidance given by the Geauga-Trumbull Solid Waste Management District, Universal Disposal made an arrangement with Central Waste Landfill whereby Universal Disposal would "pay all applicable fees directly to Central Waste based upon the tonnage delivered using monthly invoices." According to Universal Disposal, all fees were then presumably paid by Central Waste Landfill.

It is important to note that the Geauga-Trumbull Solid Waste Management District has no authority to grant an exemption or waiver from the relevant statutory and regulatory requirements regarding the collection and remittance of fees to Ohio EPA. Such an exemption can only be issued by the Director of Ohio EPA. Consequently, the facility has operated in violation of OAC 3745-502-02. However, if Universal Disposal can provide documentation to substantiate the assertion that appropriate fees were paid to Central Waste Landfill, and that Central Waste remitted those fees to Ohio EPA, this issue may be resolved quickly.

Please submit any relevant documentation, including weight tickets, receipts, correspondence, etc., along with a supporting written explanation to Ohio EPA within 30 days. All correspondence should be directed to:

Ohio Environmental Protection Agency  
Division of Materials and Waste Management  
Processing and Records Management Unit  
Attention: Mr. Brian Dearth, DMWM  
P.O. Box 1049  
Columbus Ohio 43216-1049

Sincerely,



Dave Dysle  
Division of Materials and Waste Management

DD/cl

cc: Joe Koncelik, Frantz Ward LLP  
Brian Dearth, DMWM, Central Office  
Andrew Booker, DMWM, Central Office  
Allison Giancola, DMWM, Northeast District Office  
Dave Sage, Geauga County Health District  
Robert Villers, Geauga-Trumbull Solid Waste Management District  
File: [Sowers/TRAN/Universal Disposal/COR/28]