



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

October 4, 2012

George Kuriatnyk
K&M Shingle Recycling
301 E. Kline St.
Girard, OH 44420

CERTIFIED MAIL 7012 1010 0002 2260 4022

William E. Marsteller
Crab Creek Industrial Village, Inc.
2771 Henn Hyde Rd. NE
Warren, OH 44484

CERTIFIED MAIL 7012 1010 0002 2260 0666

**RE: K&M SHINGLE RECYCLING/CRAB CREEK INDUSTRIAL VILLAGE, INC.
YOUNGSTOWN, STARK COUNTY
PARCEL #530120118000
NOTICE OF VIOLATION (NOV)**

Dear Mr. Kuriatnyk and Mr. Marsteller:

On September 13, 2012, the Ohio Environmental Protection Agency (Ohio EPA) responded to an open dumping complaint on Crab Creek Industrial Village located on E. Dennick in Youngstown, Mahoning County, Parcel #530120118000 (Property). The undersigned of the Division of Materials and Waste Management (DMWM) Northeast District Office (NEDO), along with Tara Cioffi and Faith Terreri of Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA), and Deputy W. Walker of Mahoning County Sheriff's Department conducted an inspection of the Property.

Ohio EPA understands that a shingle recycling facility, K&M Shingle Recycling (Facility), had previously operated on the Property. Upon arrival at the Property, there was no one available to speak with. An inspection was conducted and it was noted that there was a large area, roughly 450' X 650', which contained many piles of discarded roofing materials (see Appendix A: Aerial Photo and Appendix B: Photos 1-8). Mixed in with these piles of roofing materials were numerous solid waste items, including: plastic tarps, miscellaneous plastic material, plastic bags, cardboard, rubber, wooden pallets, and other miscellaneous solid waste material (see Appendix B, Photos 5, 6, 8, 9 & 10).

Ohio Administrative Code (OAC) Rule 3745-400-01 defines "construction and demolition debris" and "debris" as *"those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways..."*

"For the purpose of this definition, 'materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure,' are those structural and functional materials comprising the structure and surrounding site improvements, such as...roofing materials...."

The deposition of construction and demolition debris on the Property is a violation of the following:

- A. **Ohio Revised Code (ORC) Section 3714.06(A)** which states, in part, that "*[n]o person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by the board of health of the health district in which the facility is located....*"
- B. **OAC Rule 3745-37-01(C)** which states, in part, that "*[n]o person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority....*"
- C. **OAC Rule 3745-400-04(B)** which states that "*[n]o person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.*"

The deposition of solid waste on the Property is a violation of the following:

- D. **ORC Section 3734.02(C)** states, in part, that "*no person shall establish a new solid waste facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director....*"
- E. **ORC Section 3734.05(A)(1)** which states, in part, that "*[n]o person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located....*"
- F. **OAC Rule 3745-37-01(A)** which states, in part, that "*[n]o person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation....*"
- G. **ORC Section 3734.03** states in pertinent part "*[n]o person shall dispose of solid wastes by open burning or open dumping....*"
- H. **OAC Rule 3745-27-05(C)** which states, in part, that "*[n]o person shall conduct, permit, or allow open dumping....*"

George Kuriatnyk, K&M Shingle Recycling
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Additional information regarding these laws and rules can be found on this website:
<http://www.epa.ohio.gov/dmwm/dmwmnonhazrules.aspx>.

The owner of the Property and/or the operator of the Facility need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner of the Property and/or the operator of the Facility are requested to provide documentation to this office, including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to joshua.adams@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapters 3714 and 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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 owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (330) 963-1103, or joshua.adams@epa.state.oh.us.

Sincerely,



Joshua Adams, R.S.
Environmental Specialist
Division of Materials and Waste Management

JA/cl
Attachments

cc: Tara Cioffi, M-TAPCA
Dana Lantz, City of Youngstown Prosecutor
Deputy W. Walker, Mahoning County Sheriff's Department
File: [Sowers/COUN/Youngstown/GEN/50]

Appendix A: Aerial Photo



Crab Creek Industrial Village
Aerial Photo Courtesy of Google © 2012

Appendix B: Photo 1



Roofing Materials
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 2



Roofing Materials
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 3



Roofing Materials
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 4



Roofing Materials
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 5



Roofing Materials and Solid Waste
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 6



Roofing Materials and Solid Waste
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 7



Roofing Materials
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 8



Roofing Materials and Solid Waste
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 9



Miscellaneous C&DD and Solid Waste
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12

Appendix B: Photo 10



Miscellaneous C&DD and Solid Waste
Taken by Joshua Adams, Ohio EPA
Crab Creek Industrial Village, Mahoning County 9/13/12