



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

CERTIFIED MAIL
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November 16, 2012

**RE: LORAIN COUNTY II LANDFILL
LORAIN COUNTY
NOTICE OF VIOLATION**

Chris Jaquet
Environmental Manager
43502 Oberlin-Elyria Rd.
Oberlin, OH 44074

Dear Mr. Jaquet:

On June 29, 2012, Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO), was notified by Chris Jaquet, Environmental Manager of Lorain County II Landfill, that non-conforming waste material was accepted at the landfill. This verbal communication was followed up by a July 5, 2012, email notification and a July 25, 2012 report titled "*Final Report for Acceptance of Hazardous Waste.*"

On June 28, 2012, Republic Services hauling company was notified that there was a break in at the dumpster at the Citibank in Cleveland and that possible hazardous materials were being transported to the landfill. The hauling company then notified Lorain County Landfill, and at the time the truck was located, the load was being dumped at the working face. The load had not yet been pushed by the operations and was immediately isolated. That day, Emergency Response and Training Solutions (ERTS) conducted a removal of the suspected hazardous waste, during which the material was placed into 55 gallon containers. The July 25, 2012 report identified the material as ignitable (D001) hazardous waste and has since been sent to Ross Incineration Services in Elyria Ohio for disposal.

At the time of the non-conforming waste event, Lorain II Landfill personnel implemented the appropriate procedures detailed in the approved PCB and Hazardous Waste Detection Plan, including the notification requirements and the expeditious removal of the hazardous waste.

It was determined that the following violations occurred at the Lorain County Landfill:

Ohio Revised Code (ORC) 3734.02(F): *"No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it..."*

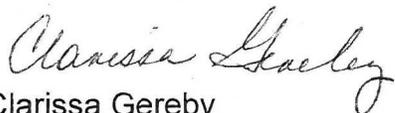
OAC Rule 3745-27-19(E)(8)(c): *"Disposal restrictions. The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility:*

(c) Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code.

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 Act or the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this correspondence, please contact me at (330) 963-1224.

Sincerely,



Clarissa Gereby
Environmental Specialist
Division of Materials and Waste Management

CG:ddw

ec: Karen Nesbit, DMWM, NEDO
cc: Rick Kostelnick, Lorain Co. Landfill
John Sabo, Lorain County Health Department
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