



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

January 31, 2013

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

Mr. Chris Jaquet
Environmental Manager
Lorain County II Landfill, LLC
43502 Oberlin-Elyria Rd.
Oberlin, Ohio 44074

Dear Mr. Jaquet:

On November 13, 2012, Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) was contacted by Chris Jaquet, Environmental Manager of Lorain County Landfill, LLC, by telephone to self-report that non-conforming waste material was accepted and disposed of at Lorain County II Landfill. This verbal communication was followed up by a November 27, 2012 correspondence from Mr. Jaquet, entitled "*Regulated Asbestos Notice.*"

According to the submitted documentation, in early November 2012, Lorain County II Landfill, LLC was notified by Stan Rihtar, Environmental Manager of Arcelor Mittal, that a load of about 100 square feet of Non-Friable Category 2 Asbestos Transite Ceiling Tile had been placed into a Republic Services solid waste roll-off during the renovation of a railroad office. According to the review of the records, the load was disposed of at the Lorain II Landfill in late August or early September 2012, therefore, a removal of the regulated ceiling tile was not feasible.

A review of the monthly blanket asbestos reports submitted to Ohio EPA by Stan Rihtar confirmed that the removal and disposal in question was a regulated abatement activity and the Asbestos Transite Ceiling Tile was improperly disposed of at the Lorain County II Landfill. Therefore, it was determined that the following violation occurred at the Lorain County II Landfill:

Ohio Administrative Code 3745-27-19(E)(8) "*Disposal restrictions.*

The owner or operator shall not accept for disposal or dispose of any of the following:

materials at a sanitary landfill facility:

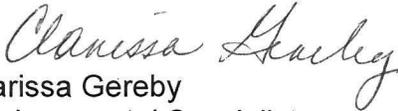
- (a) *Asbestos or asbestos-containing waste material that is subject to the provisions of NESHAP, 40 CFR Part 61, subpart M (July 1, 2007) (<http://www.gpoaccess.gov/cfr/index.html>) without the necessary permits."*

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

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.

Sincerely,



Clarissa Gereby
Environmental Specialist
Division of Materials and Waste Management

CG/cl

ec: Bob Prinic, DAPC, NEDO
Carl Mussenden, DMWM, CO

cc: Rick Kostelnick, Lorain County Landfill
John Sabo, Lorain County Health Department
Valencia White, Cleveland Division of Air Quality
File: [Singh/LAND/Lorain County II Landfill/ COR/47]