



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

March 1, 2013

**RE: NOTICE OF VIOLATION
OPEN DUMPING
SOIL REMEDIATION, INC.**

CERTIFIED MAIL 7012 1010 0002 2260 0130

David Gennaro
Gennaro Pavers, Inc. and Soil Remediation, Inc.
6065 Arrel-Smith Rd.
Lowellville, OH 44436

Dear Mr. Gennaro:

On February 13, 2013, Chris Moody and Zorica Dejanovic, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of Gennaro Pavers, Inc. properties located at 6065 Arrel-Smith Road., Lowellville, Mahoning County. During that inspection, Mr. Moody and Ms. Dejanovic observed the black material of fine consistency shown in the following photo:



[02/13/2013 photo #5001 of flue dust/mill scale/cutting oils located north of main office building on Sharon Slag, Inc. parcel No. 40-002-0-001.00-0 and/or 40-002-0-002.00-0]

Northeast District Office • 2110 East Aurora Road • Twinsburg, OH 44087-1924
www.epa.ohio.gov • (330) 963-1200 • (330) 487-0769 (fax)

According to Mr. Moody, you explained that the black material is flue dust, mill scale, or cutting oils, and Mr. Frank Naples concurred with your explanation.

Disposal of solid waste (flue dust and mill scale shown in the photo above) is a violation of the following requirements in Ohio Revised Code (ORC) and Ohio Administrative Code (OAC):

- **ORC Section 3734.03:** “No person shall dispose of solid wastes by open burning or open dumping...”
- **ORC Section 3734.02(C):** “...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director...”
- **ORC Section 3734.05(A)(1):** “...no 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 or by the director of environmental protection...”
- **ORC Section 3734.05(A)(2):** “...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted by the director pursuant to division (A) of section 3734.02 of the Revised Code and applicable rules adopted under division (D) of section 3734.12 of the Revised Code at least two hundred seventy days before proposed operation of the facility...”
- **ORC Section 3734.11(A):** “No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.”
- **OAC Rule 3745-27-05(C):** “No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.”
- **OAC Rule 3745-37-01(A):** “No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director...”
- **Director’s Final Findings and Orders dated February 20, 2008, Order No. 2:** “Respondent shall not accept, or dispose of, at the Site solid waste or, regardless of whether Respondent agrees that it is solid waste, iron oxide or flue dust without obtaining in advance authorization from Director to beneficially reuse such materials or to engage in an alternative disposal method described in OAC Rule 3745-27-05(A)(4).”

David Gennaro c/o
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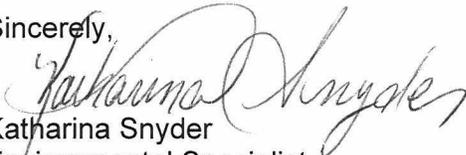
In order to return to compliance with all applicable laws and rules, the owner(s) of the property must immediately remove all solid waste and properly dispose the waste at a licensed solid waste facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of the property must also take all necessary measures to prevent additional open dumping of solid waste.

Please address the above violations immediately. Notify me of the intended date of waste removal and, within 14 days of receipt of this letter, provide written verification and documentation that waste has been removed and properly disposed.

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 Gennaro Pavers, Inc. and Soil Remediation, Inc., or others, 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1257, or send an e-mail to me at "katharina.snyder@epa.state.oh.us."

Sincerely,



Katharina Snyder
Environmental Specialist
Division of Materials and Waste Management

cc: Zorica Dejanovic, Ohio EPA, DAPC, NEDO
Chris Moody, Ohio EPA, DSW, NEDO
Matt Boyer, Ohio EPA, DMWM, CO
Mary Helen Smith, Mahoning County Health Department
File: [Singh/COUN/Mahoning/Gen/50]