



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

March 11, 2013

**RE: ROSBY RESOURCE RECYCLING, INC.
CLASS II COMPOST FACILITY
CUYAHOGA COUNTY
NOTICE OF VIOLATION**

Mr. William Rosby
Rosby Resource Recycling, Inc.
54 East Schaaf Rd.
Brooklyn Hts., Ohio 44131

Dear Mr. Rosby:

As you are aware, Ohio EPA has been conducting odor surveillance around Rosby Resource Recycling, Inc. in response to numerous citizen complaints regarding odors emanating from the licensed Class II compost facility located at 54 E. Schaaf Road, Brooklyn Hts., Cuyahoga County. This letter serves as a notification to you that Ohio EPA has confirmed the presence of odors related to the composting operation in the community.

Background

Between July 14, 2012 and the March 7, 2013, Ohio EPA received more than 70 odor complaints from residents living near Rosby Resource Recovery, Inc. Citizens have described odors as a "horrible stench" and "terrible acrid odor that burns the eyes and nose." Many of these complaints have alleged that odors are worse after hours, on weekends and during the process of turning the compost piles.

Ohio EPA conducted surveillance to determine whether the odors associated with the composting operation are migrating off site. Surveillance was performed by driving the public roads nearest to the facility, with some of the trips occurring off hours to coincide with the time periods given in the complaints.

Upon receiving an odor complaint on March 6, 2013 at approximately 10:15 a.m., Jennifer Carlin and I conducted an odor surveillance between 11:00 a.m. and 12:05 p.m. Clearly detectable and strong compost odors were noted south of the composting facility near the homes located at 826, 812 and 610 E. Schaaf Road. The odors were persistent and strong enough to cause a person to completely avoid them.

Notice of Violation

Because Ohio EPA has detected and documented strong odors in the community surrounding the compost facility and confirmed that Rosby Resource Recycling, Inc. is the

Mr. William Rosby
Rosby Resource Recycling, Inc.
March 11, 2013
Page 2

source, and because citizen complaints received by Ohio EPA indicate that the surrounding community finds the emissions to be offensive and affecting their general welfare, Ohio EPA has found Rosby Resource Recycling, Inc. to be in violation of the following:

OAC Rule 3745-27-19(B)(3): *"The owner or operator shall operate the facility in such a manner that noise, dust, and odors are strictly controlled so as not to cause a nuisance or a health hazard."*

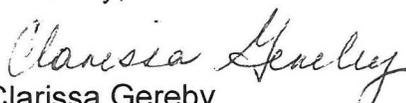
Required Action

Rosby Resource Recycling, Inc. must immediately employ any and all measures necessary to control odor emissions from the compost facility to return to compliance with the above requirement. Ohio EPA understands through several communications with you that the company is taking steps to address odors from various areas, particularly the area of leachate accumulation at the compost facility. Ohio EPA strongly recommends that all other potential odor sources be considered as well. It is imperative that Rosby Resource Recycling, Inc. implement an effective, long term solution as quickly as possible. Within 14 days of receipt of this letter, please submit a written plan of the action steps, both current and anticipated, to mitigate odor emissions. The submittal should include any dates by which any corrective measures are to be implemented. Ohio EPA may request detailed plans on the specific control measures at a later date.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 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 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/cl

cc: Dane Tussel, Cuyahoga County Health Department
Jennifer Carlin, DMWM, NEDO
Brian Sokolowski, CDAQ
File:[Sowers/COMP/Rosby Class II/Cor/18]