



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

June 25, 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 again confirmed the presence of odors related to the composting operation in the community.

On June 12, 2013, I conducted an odor surveillance between 2:00 p.m. and 2:45 p.m. Clearly detectable and strong compost odors were noted south of the composting facility near the homes located at 910 E. Schaaf Road. The odors were irritating and intolerant, enough to cause a person to completely avoid them.

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 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 3745-560-210(H): *“Operational control. The owner or operator shall operate the composting facility in such a manner that does the following:*

(1) Controls noise, dust, and odors so as not to cause a nuisance or a health hazard.”

Mr. William Rosby
Rosby Resource Recycling, Inc.
June 25, 2013
Page 2

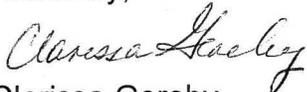
Rosby Resource Recycling, Inc. must immediately employ any and all measures necessary to control odor emissions from the compost facility to return to compliance with the above requirement. Please respond within seven days of receipt of this correspondence.

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.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This authorization shall not be interpreted to release Rosby Resource Recycling, Inc. or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111, the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances and Control Act or the Comprehensive Environmental Response, Compensation and Liability Act, or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility 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/cl

cc: Dane Tussel, Cuyahoga County Health Department
Brian Sokolowski, CDAQ
File:[Sowers/COMP/Rosby Class II/COR/18]