



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

July 15, 2013

**RE: BEACH EXCAVATING, INC.  
NOTICE OF VIOLATION  
ILLEGAL C&DD DISPOSAL**

Richard T. & Yvonne J. Beach  
Beach Excavating, Inc.  
2253 Brown Road  
Ashtabula, Ohio 44004

**CERTIFIED MAIL 7012 3460 0002 1239 4419**

Cosmo Iamurri  
Pro Quality Real Estate, LLC  
5053 Struthers Road  
Struthers, Ohio 44471

**CERTIFIED MAIL 7012 3460 0002 1239 4426**

Dear Mr. and Mrs. Beach and Mr. Iamurri:

On May 1, 2013, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of the property located on North Ridge Road East (SR 20) at the approximate address of 7475 N. Ridge Road between Ninevah and Brown Roads (North side), in Saybrook Township, in Ashtabula County. Present during the inspection was Mr. Beach, the property owner, who granted me access to the property.

Upon inspection, Ohio EPA determined that the owners of the property (Owner) and Pro Quality Real Estate, LLC (Operator) are in violation of the following:

**ORC 3714.051** states, in part, "... no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located ..."

**OAC Rule 3745-400-04(B)** states that "No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."

The Owners/Operators are in violation of Ohio's statute and rule, due to illegal disposal of construction and demolition debris (C&DD) at the Property. At the time of the inspection, Ohio EPA observed construction debris that had been disposed near the grain storage silo, pig pen, and sand pile. The Owners/Operators are prohibited from accepting and disposing of C&DD at the Property.

The Owners/Operators are responsible for cleanup and appropriate disposal of comingled construction and demolition debris. Although Ohio EPA originally thought that the comingled C&DD was "regulated asbestos containing material" (RACM), new information came to light whereas Ohio EPA now considers the C&DD to be Category 1 Non-friable Asbestos Containing Material. As such, the C&DD can be disposed at any licensed solid waste or C&DD landfill with the following special condition:

- Upon placement at a licensed landfill, the landfill staff shall place two feet of soil cover over the C&DD prior to compaction.

Richard T. & Yvonne J. Beach, Beach Excavating, Inc.  
Cosmo Iamurri, Pro Quality Real Estate, LLC  
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If the comingled C&DD can easily be segregated from large chunks of clean hard fill (i.e. building footers) such that all comingled waste and C&DD fines are removed, then the footers or large chunks of clean hard fill can remain on the property. However, the Owners/Operators must remove all comingled C&DD and properly dispose of all C&DD material at an appropriate licensed solid waste or C&DD landfill. Furthermore, please contact me at (330) 963-1268 seven days prior to the removal activity.

The owner(s) of the property and Pro Quality need to immediately take the necessary measures to return to compliance with state and federal environmental laws. Within 14 days of receipt of this letter, the owner(s) of the property and Pro Quality are requested to provide documentation to this office a schedule and a plan to return to compliance. Documentation of steps taken to return to compliance may include written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [colum.mckenna@epa.state.oh.us](mailto:colum.mckenna@epa.state.oh.us).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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 circumstances delay the abatement of violations, the owner(s) of the property and Pro Quality are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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 owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1268, or by e-mail at [colum.mckenna@epa.ohio.gov](mailto:colum.mckenna@epa.ohio.gov).

Sincerely,



Colum McKenna  
Environmental Specialist  
Division of Materials and Waste Management

CM/cl

cc: Bob Prinic, DAPC-NEDO  
Frederick Jones, DAPC-CO  
Bert Mechenbier, LCGHD  
Ray Saporito, Ashtabula County Health Department  
Doug Ross, Daniel Daniluk LLC  
File: [Singh/COUN/Ashtabula/GEN/04]  
DMWM #4208