



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director
September 6, 2013

**RE: NEWSOME & WORK METALLIZING
NOTICE OF VIOLATION**

CERTIFIED MAIL 7012 3050 0001 8836 3362

Roger Newsome
Newsome & Work Metallizing
P.O. Box 27091
Akron, OH 44319-7091

Dear Mr. Newsome:

On September 5, 2013, I, representing Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM)-Solid Waste attempted a partial inspection of Newsome Metallizing (Facility) located at 258 Kenmore Boulevard in Akron, Ohio.

However, Dan, representing the Facility, denied access, but indicated that the blasting material placed at the south end of the property was still present. He also said that I would need to talk to you in order to inspect the property and that you would not be available until the middle of next week. I will contact you during the week of September 16, 2013 to plan an inspection.

Previous inspections have identified that the Facility has filled a large area at the south end of the property over a period of many years through the practice of open dumping. The waste filled in this area was identified as waste from the sandblasting operation (black beauty).

Ohio EPA sampled the blasting material on August 21, 2013. TestAmerica evaluated the samples and their report, dated August 31, 2013, shows that their samples of blasting material were not hazardous. The blasting material that is not hazardous is considered a solid waste.

Based on previous inspections by Ohio EPA and the sampling results, Newsome & Work Metallizing is in violation of Ohio's solid waste laws and rules for establishing and operating an illegal solid waste landfill. A large amount of waste material, identified above, was openly-disposed on the property without first applying for and receiving a permit issued by the Director.

Newsome & Work Metallizing's creation and operation of a solid waste landfill on its property is in violation of the following:

1. **Ohio Revised Code (ORC) 3734.02(C)** states that, "...no person shall establish a new solid waste facility or infectious waste treatment facility, or modify treatment facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation regarding the facility and method of operation and receiving a permit issued by the Director...."
2. **ORC Section 3734.05(A)(1)** states that, "...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 when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code."
3. **Ohio Administrative Code (OAC) Rule 3745-37-01(A)** states that, "No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility 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 there under. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the Director, if the Director has assumed the licensing function for that health district...."
4. **ORC Section 3734.03** states in pertinent part that, "No person shall dispose of solid wastes by open burning or open dumping...."
5. **OAC Rule 3745-27-05(C)** states that, "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) responsibility 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."

In order to attain compliance, Newsome & Work Metallizing needs to remove all of the solid waste disposed on the property and properly dispose of it at an appropriate licensed waste disposal facility. Please provide Ohio EPA with receipts from the solid waste disposal facility indicating weight or volume of the material disposed of.

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Newsome & Work Metallizing needs to immediately take the necessary measures to return to compliance with Ohio's solid waste laws and rules. Please respond to me, in writing, within 30 days of receiving this letter, documenting how all of the violations listed above have been and will be corrected.

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 of Newsome & Work Metallizing 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 contact me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

cc: Kelly Jeter, DMWM, CO
Robert Almquist, DMWM, NEDO
Julie Brown, Summit County Public Health
File: [Sowers/COUN/Newsome/COR/77]