



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

October 2, 2013

**RE: NEWSOME & WORK METALLIZING
NOTICE OF VIOLATION
ISWL019356
INDUSTRIAL SOLID WASTE LANDFILLS
SUMMIT COUNTY**

CERTIFIED MAIL 7012 3460 0002 1239 4518

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

Dear Mr. Newsome:

On September 20, 2013, Robert Almquist and I, representing Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM) did a partial inspection of Newsome & Work Metallizing (Facility) located at 258 Kenmore Boulevard in Akron, Ohio. The purpose of the inspection was to see the blasting material disposal area at the south end of the property.

I spoke to you prior to the inspection and you granted us access to the property. You indicated that the blasting material was being stored to be recycled. Ohio EPA observed a large area at the south end of the property containing spent blasting material; much was Black Beauty from the sandblasting operation.

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.

In addition, there was some scattered metal and wood debris and scrap tires in the back part of the property near the blasting material piles. These materials are also considered solid waste. Lastly, as Ohio EPA was leaving, there were additional sand piles seen in the woods on the east side of the driveway.

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

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receipts from the solid waste disposal facility indicating weight or volume of the material disposed of.

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.

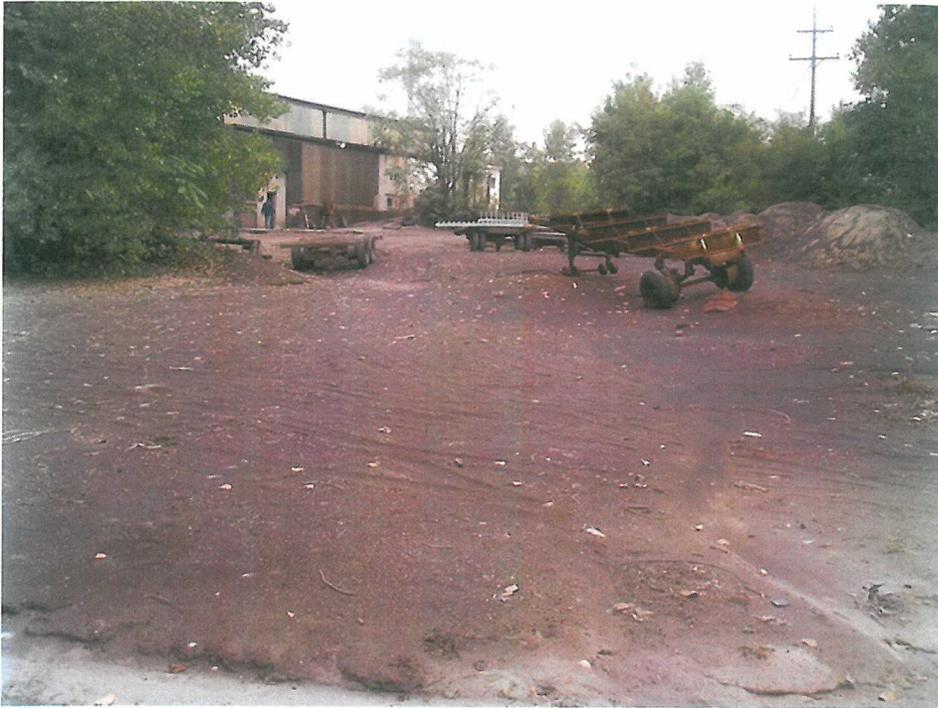
If you have any questions regarding this letter, please contact me at (330) 963-1286.

Respectfully submitted,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

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



On the sand pile, looking back (north) at the building.

109



Looking south at the west slope of the pile. Sand is over ten feet deep.

108



105

Looking south, near west slope of pile. This is the start of the deep erosion ditch shown in photo 112.



Deep erosion ditch in sand pile and debris.

112



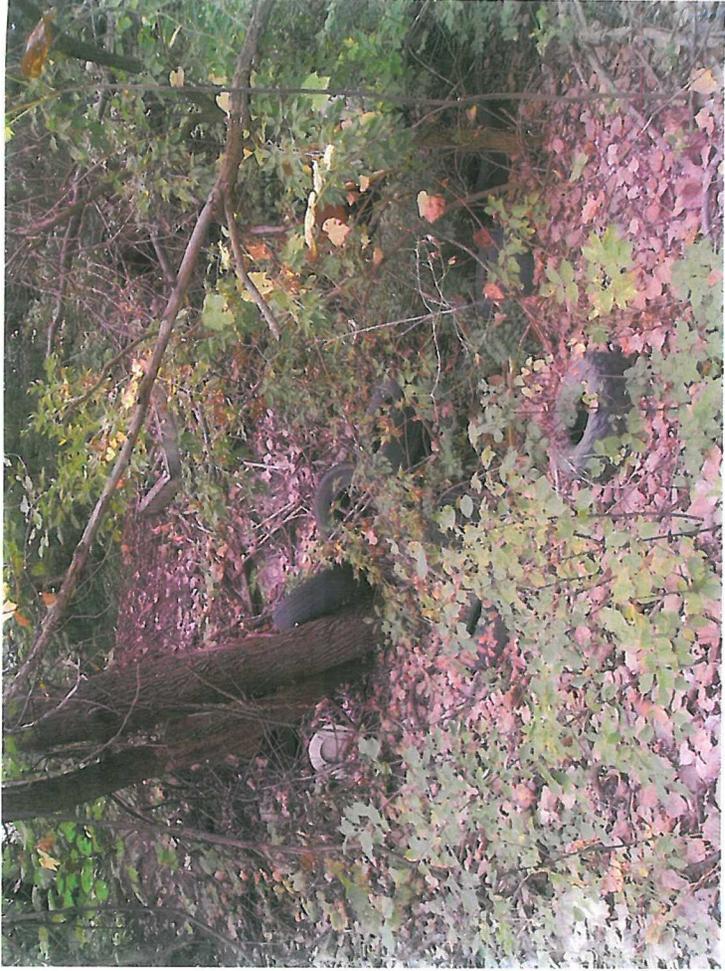
Sand washout area below the deep erosion ditch.

120

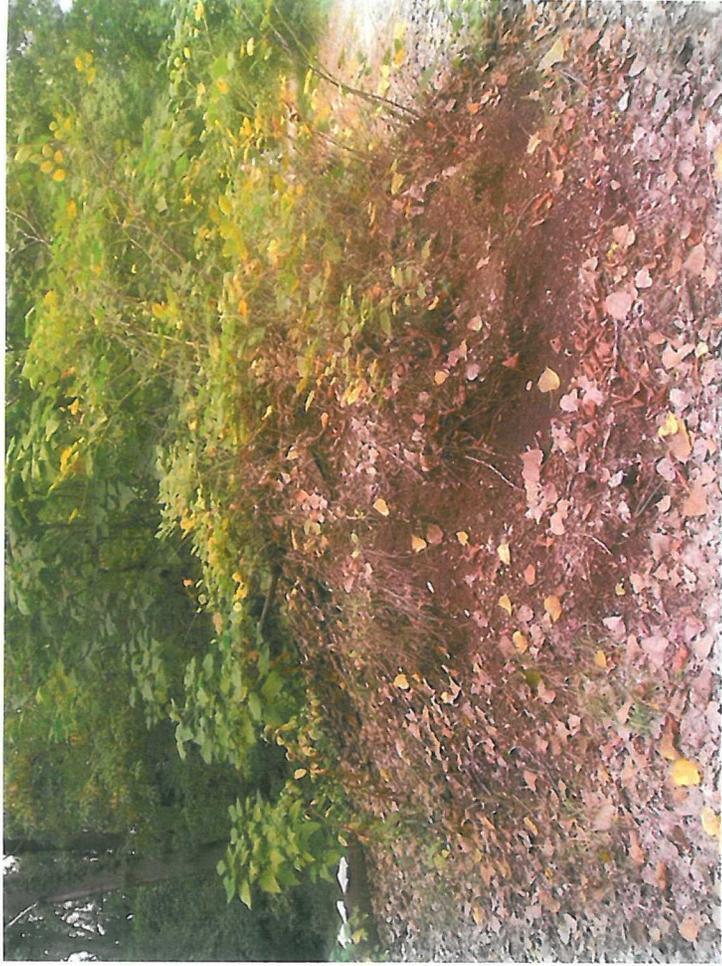


Near the base of the pile, looking north.

115



Scrap tires and miscellaneous debris near the sand pile. 116



Sand pile with vegetation located west of the building. 152