



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director



March 7, 2012

RE: CUYAHOGA COUNTY  
CITY OF BROOKLYN HEIGHTS  
ROSBY RESOURCE RECYCLING  
CONSTRUCTION STORM WATER

**CERTIFIED MAIL**

William Rosby  
Rosby Resource Recycling  
4963 Schaaf Lane  
Brooklyn Heights, OH 44131

Dear Mr. Rosby:

On March 5, 2012, the Northeast District Office of Ohio EPA became aware that Rosby Resource Recycling submitted a Notice of Intent (NOI) for coverage under the Ohio EPA General Storm Water National Pollutant Discharge Elimination System (NPDES) Permit for Construction Activities #OHC000003. This was unexpected. Our letter to you dated January 31, 2012, instructed Rosby Resource Recycling to obtain an individual NPDES permit that would address industrial storm water discharges associated with recycling and composting operations as well as construction storm water discharges associated with construction and demolition debris (C&DD) landfill operations. The letter instructed Rosby Resource Recycling to submit a Form 1 and 2F, not an NOI, no later than April 30, 2012.

On March 7, 2012, I contacted Chuck Perito, landfill operator, to get clarification on why the NOI was submitted. Mr. Perito indicated that Rosby Resource Recycling intends to construct a new construction and demolition debris (C&DD) waste placement cell. He believed that the NOI was submitted to authorize storm water discharges associated with the construction of this cell, but referred me to your engineering consultant, Nick Perrotta of Haley and Aldrich. I contacted Mr. Perrotta and he indicated that he has advised Rosby Resource Recycling on environmental matters, but is not preparing or submitting an application for an individual NPDES permit for the facility. I further discussed this situation with Colum McKenna in our Division of Materials and Waste Management (DMWM) and he indicated that Rosby Resource Recycling has not obtained a license from the Cuyahoga County Board of Health to construct a new waste placement cell or expand the existing waste cell, and would not be able to get such a license by April 30, 2012.

This letter will serve to notify Rosby Resource Recovery that you must still obtain an individual NPDES permit to authorize storm water discharges from this facility. This permit will authorize storm water discharges associated with recycling, C&DD landfilling and composting activities. Form 1 and 2F of the individual NPDES permit application must be submitted to Ohio EPA **no later than April 30, 2012**. We further asked you to submit a comprehensive storm water pollution prevention plan (SWP3) for this facility with your individual NPDES permit application. Please be sure that this plan accompanies the permit application materials. Failure to submit the permit application and SWP3 by April 30, 2012, will lead to escalated enforcement action by Ohio EPA. Application materials should be sent to Erm Gomes of the Division of Surface Water (DSW) in our Northeast District Office. Application forms and instructions can be found on our website at <http://www.epa.ohio.gov/dsw/permits/individuals.aspx>.

WILLIAM ROSBY  
MARCH 7, 2012  
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If you have any questions, please contact me at (330) 963-1145 or Erm Gomes at (330) 963-1196.

Sincerely,



Dan Bogoevski  
District Engineer  
Division of Surface Water

DB:bo

pc: Colin Johnson, Cuyahoga County Board of Health  
Scott Broski, Northeast Ohio Regional Sewer District

ec: Erm Gomes, DSW, NEDO  
Colum McKenna, DMWM, NEDO  
Mark Mann, Storm Water and Enforcement Sections Manager, DSW, CO  
William Rosby (via e-mail at [wrosby@rosbycompanies.com](mailto:wrosby@rosbycompanies.com))

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Signature X  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) W. ROSBY</p> <p>C. Date of Delivery 03/09/12</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><b>WILLIAM ROSBY ROSBY RESOURCE RECYCLING 4963 SCHAAF LANE BROOKLYN HTS., OH 44131</b></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <b>7011 0470 0002 3496 3249 D.BOGOEVSKI 3/7/12</b> (Transfer from service label)</p>	

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