



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 16, 2007

CERTIFIED WARNING LETTER

02 PS 020385

Zollinger C&D Landfill
Attn: Mr. Bob Zollinger
11899 Easton Road
Rittman, OH 44270

RE: Accepting category 2 nonfriable asbestos-containing materials not permitted pursuant to facility's permit-to-install

Dear Mr. Zollinger:

On July 10, 2007, Kenneth Eng of the Wayne County Health Department (WCHD) notified me that Zollinger C&D Landfill has been accepting category 2 nonfriable asbestos containing materials (ACM). Pursuant to the terms and conditions of the landfill's permit-to-install (PTI) number 02-1195, term nos. C.4 & H.3, the landfill is not permitted to accept category 2 nonfriable ACM. As such, the landfill is operating in violation of their PTI. That means the landfill is not permitted to accept said material.

In order to correct this violation, Zollinger must submit a request to modify PTI No. 02-1195. Within thirty (30) days of receiving this letter, Zollinger C&D Landfill shall submit in writing a request to administratively modify PTI No. 02-1195 to permit the landfill to accept ACM that is not regulated pursuant to Ohio Administrative Code (OAC) chapter 3745-20 and 40 CFR 61, subpart M (Federal NESHAP-Asbestos rule). Until an administratively modified PTI is issued final to Zollinger C&D Landfill, the landfill is not permitted to accept category II non-friable ACM.

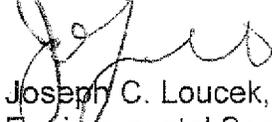
DAPC has different requirements for non-regulated ACM and regulated asbestos-containing materials (RACM); the requirements for accepting RACM are more involved, and require a more onerous permit modification procedure. The purpose of this immediate action is to address the current situation at the landfill, and could result in allowing the landfill to accept non-regulated ACM. If Zollinger wants to accept RACM, that request will need to be done through a longer and more detailed process at some later date (upon request, I can detail this procedure).

ZOLLINGER C&D LANDFILL
JULY 16, 2007
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The submission of the above information does not constitute a waiver of Ohio EPA's authority to seek civil penalties, as provided in Section 3704.06 of the Ohio Revised Code. The determination to pursue or decline such penalties in this case will be made by Ohio EPA at a later date. This notice does not excuse any violations of federal, state and local laws or regulations regarding air pollution control.

If you have any questions, please do not hesitate to contact me at (330) 963-1258.

Sincerely,



Joseph C. Loucek, III
Environmental Specialist
Division of Air Pollution Control

LCL:bo

cc: Bob Princic, DAPC-NEDO
Clarissa Gereby, DSIWM-NEDO
Kenneth Eng, WCHD
Jim Veres, DAPC-NEDO
Jennifer Kurko, DAPC-NEDO
Tom Kalman, DAPC-CO