



**Environmental  
Protection Agency**

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

OHIO E.P.A.

DEC 29 2011

**CERTIFIED MAIL**

December 29, 2011

Ms. Lauraine Breda  
438 North Road NE  
Warren, Ohio 44483-4508

ENTERED DIRECTOR'S JOURNAL  
I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By: John Cassler Date: 12-29-11

**RE: Verified Complaint No. SW-05-003  
Lordstown Construction Recovery Facility, Trumbull County**

Dear Ms. Breda:

On September 21, 2005, the Ohio Environmental Protection Agency ("Ohio EPA") received a verified complaint ("Complaint") alleging that activities at the Lordstown Construction Recovery Facility ("LCR" or "the Facility") have resulted in violations of Ohio laws and rules.

Between November 2006 and May 2007, Ohio EPA's Northeast District Office, Division of Materials and Waste Management ("NEDO-DMWM") inspections resulted in five notices of violation ("NOVs") for the disposal of solid waste and pulverized/unidentifiable debris by the facility.

Measures that Ohio EPA, the Trumbull County Health Department ("Health Department"), and the Facility took included: Ohio EPA provided training on proper identification of pulverized debris to the Facility, the Facility's customers, and the Health Department. Ohio EPA's NEDO-Division of Air Pollution Control monitored for hydrogen sulfide in and around the Facility between February 2007 and May 2007. In June 2007 the Facility installed an activated carbon scrubber system on the leachate collection tank and began pretreating leachate before disposal in the sanitary sewer. Ohio EPA installed a monitor with continuous data logger at Mr. Sechler's home, continuously monitored for hydrogen sulfide in September and October 2010, and found that odors were present at times, but not at a frequency, duration and intensity that demonstrated a nuisance.

Additionally, between September 2008 and May 2010 the Mahoning-Trumbull Air Pollution Control Agency ("MTAPCA") issued two NOVs to the Facility after observing visible emissions that exceeded permit limitations. In response to the first NOV the Facility modified operations to reduce visible emissions. In response to the second NOV the Facility installed a dust control spray system at the railcar unloading area.

Ohio Revised Code ("ORC") Section 3745.08(A) states, "...any person who is or will be aggrieved or adversely affected by a violation that has occurred, is occurring, or will

occur may file a complaint...with the director of environmental protection...alleging that another...person has violated, is violating, or will violate any law, rule, standard, or order relating to air pollution, water pollution, solid waste, infectious wastes, construction and demolition debris, public water supply, hazardous waste, or cessation of chemical handling operations, or, if the person is in possession of a valid license, permit, variance, or plan approval relating to air pollution, water pollution, solid waste, infectious wastes, construction and demolition debris, public water supply, or hazardous waste, that the person has violated, is violating, or will violate the conditions of the license, permit, variance, or plan approval[.]”

Based on the results of investigation, Ohio EPA found violations of ORC Chapter 3714 in 2006 and 2007 and two violations of Chapter 3704 in 2008 and 2010, but has determined that the violations have been corrected and are unlikely to recur. Pursuant to ORC Section 3745.08(B), “where the director determines that prior violations have been terminated and that future violations of the same kind are unlikely to occur, the director may dismiss the complaint.” Therefore, Verified Complaint No. SW-05-003 is hereby dismissed.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action.

A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Review Appeals Commission, 77 South High Street, 17<sup>th</sup> Floor, Columbus, Ohio 43215.

If you have any questions, please contact Katharina Snyder in our Division of Materials and Waste Management, Northeast District Office at (330) 963-1257 or Melinda Berry in our Compliance Monitoring and Enforcement Unit at (614) 728-5339.

Sincerely,



Scott J. Nally  
Director

MKB/jms

cc: Kelly Jeter, Environmental Supervisor, DSIWM  
Robin M. Nichols, Legal Office  
Katharina Snyder, NEDO-DMWM  
Amy O'Reilly, NEDO-DAPC