



State of Ohio Environmental Protection Agency

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Northeast District Office

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Ted Strickland, Governor
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OHIO EPA
Chris Kutzki, Director
DIV. OF SOLID & INFECTIOUS WASTE MGMT.

March 6, 2008

CERTIFIED MAIL

Tim Vandersall
Countywide Recycling and Disposal Facility
3619 Gracemont Street S.W.
East Sparta, Ohio 44626

**RE: Countywide Recycling and Disposal Facility (RDF), Stark County
Notice of Violation (NOV)**

Dear Mr. Vandersall:

On February 29, 2008, you notified the Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) Northeast District Office (NEDO) of a potential disposal of hazardous waste at Countywide RDF (Facility). As explained in your written notification, Lincoln Electric, 22801 Saint Clair Avenue, Cleveland, Ohio 44117, may have mischaracterized hazardous waste as non-hazardous waste and subsequently provided that waste for disposal at Countywide RDF.

The two waste streams in question consisted of (a) roughly 1,000 lbs of ion exchange filter resin material disposed of on two separate occasions in March 2005 and September 2006 and (b) 150 lbs per month of wastewater treatment filters from Lincoln Electric's wastewater treatment system. (The Lincoln Electric Company has been a customer of Republic Services since December 2000). When analyzed, neither waste stream has exhibited hazardous waste characteristics. However, after analysis of Lincoln Electric's process flow and through interpretive guidance from Ohio EPA Division of Hazardous Waste Management (DHWM) NEDO, both waste streams are considered to be listed F006 hazardous waste because they are generated from a wastewater treatment system that treats consolidated electroplating wastewater.

The acceptance and disposal of hazardous waste at a solid waste disposal facility is a violation of the following:

1. **ORC 3734.02(F)**: *"No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it..."*
2. **OAC 3745-27-19(E)(8)(c)**: *"The owner or operator shall not accept for disposal or dispose of any of the following materials at a sanitary landfill facility:...Materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the Administrative Code."*

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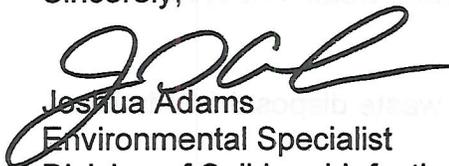
3. **OAC Rule 3745-27-19(B)(1)**: *"The owner or operator shall conduct all operations at a sanitary landfill facility in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility in accordance with Chapter 3745-37 of the Administrative Code."*
4. **OAC Rule 3745-27-19(B)(2)**: *"The owner or operator shall conduct all construction and operation at a sanitary landfill facility in strict compliance with the applicable authorizing document(s), including permit(s) to install, a plan approval, an operational report, an approved final closure plan, an alteration(s) concurred with in writing by Ohio EPA, or any authorizing document(s) listed in paragraph (I) of rule 3745-27-09 of the Administrative Code..."*
5. **OAC Rule 3745-27-19(L)**: *"...the owner or operator shall implement a written program at the sanitary landfill facility with procedures that are sufficient to detect and prevent the disposal of regulated hazardous wastes as defined in rule 3745-51-03 of the Administrative Code..."*

Please respond within 15 days after receipt of this NOV indicating what steps Countywide intends to take to return to compliance and redress the above violations.

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 Countywide RDF, 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 feel free to contact me at (330) 963-1103, or e-mail me at "joshua.adams@epa.state.oh.us."

Sincerely,



Joshua Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JA:cl

cc: Kirk Norris, Stark County HD
Kris Coder, DHWM-NEDO
Ed Gortner, DSIWM-CO
File: [Sowers/Land/CWRDF/COR/76]