



State of Ohio Environmental Protection Agency

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Mr. Bill Rosby
Rosby Resource Recovery, Inc.
54 East Schaaf Road
Brooklyn Heights, Ohio 44131

**Re: Rosby Resource Recovery, Inc., Cuyahoga County
Decline to Approve an Alternative Disposal Request**

Dear Mr. Rosby:

On January 25, 2000, CT Consultants, on behalf of Rosby Resource Recovery, Inc. (Rosby), submitted to the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northeast District Office (NEDO) an Integrated Alternative Waste Management Program (IAWMP) request to use an alternative disposal method for solid waste at the Rosby Resource Construction and Demolition Debris Disposal Facility (Facility) located in Cuyahoga County. Specifically, Rosby requested to use solid waste, consisting of Silica Sand and 3M Brand Roofing Granules generated by Tremco, Inc. during its manufacture of roofing materials, as a fire retardant. Additional information in response to a March 20, 2000, Ohio EPA notice of deficiency was received on August 22, 2003.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-27-05(A)(4), solid waste may be disposed of through alternative disposal methods if the director determines that the use as engineered fill or land application of the solid wastes will not create a nuisance or harm human health or the environment and is capable of complying with other applicable laws. Approval of alternative disposal methods also requires the director to determine that the disposal method is unlikely to adversely affect the public health or safety of the environment pursuant to Ohio Revised Code Section 3734.02(G).

Based on the information submitted on January 25, 2000, and August 22, 2003, Ohio EPA cannot determine that the proposed alternative disposal method of solid waste at the Facility will not create a nuisance or harm human health or the environment and will be capable of complying with other applicable laws. Additionally, I cannot determine that granting an exemption, pursuant to ORC Section 3734.02(G), in order to dispose of the solid waste as proposed, is unlikely to adversely affect public health or safety or the environment. Therefore, I decline to approve your IAWMP request.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

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If you have any questions concerning this letter, please contact Murat Tuket of Ohio, NEDO at (330) 963-1192.

Sincerely,

Christopher Jones
Director

CJ/MM/sw

cc: Scott Hester, DSIWM-CO
Murat Tuket, DSIWM-NEDO
Dane Tussel, Cuyahoga County Board of Health