



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

Tim Page
Lordstown Construction Recovery, LLC
6205 Newton Falls-Bailey Road SW
Warren, Ohio 44481

**Re: Lordstown Construction Recovery, Trumbull County
ORC Section 3714.04(A) Exemption – Decline to Grant**

Dear Mr. Page:

I would like to thank you for inviting me to your facility on October 9, 2007. You were very accommodating and I certainly enjoyed the tour of your facility and overview of your operations by you and your staff. The time and effort you put into the preparation for our meeting was appreciated. I think our frank discussion regarding issues in the construction and demolition debris industry and your facility in particular was helpful for me as Director. At this meeting, you presented me with an exemption request, dated August 9, 2007, prepared by Hull & Associates, Inc. on behalf of Lordstown Construction Recovery, LLC. Specifically, the document requests an exemption, pursuant to Ohio Revised Code (ORC) Section 3714.04, from the requirements of Ohio Administrative Code Rule (OAC) 3745-400-11(F) in order to accept material that is not readily identifiable as construction and demolition debris and dispose of it in an area with a liner system that has been upgraded to include a flexible membrane liner.

ORC Section 3714.081(A) states, "A construction and demolition debris facility shall not accept pulverized debris."

OAC Rule 3745-400-11(F) states, in part, "Prior to acceptance by the facility, debris shall be readily identifiable as construction and demolition debris and shall not have been shredded, pulverized, or otherwise rendered to the extent that the debris is unidentifiable. The owner or operator shall dispose of only construction and demolition debris as defined in rule 3745-400-01 of the Administrative Code, except as specified in this rule."

Construction and demolition disposal facilities may not accept material that has been pulverized or rendered unidentifiable prior to acceptance at the facility. If this material is not recognizable, it must be managed as a solid waste.

Pursuant to ORC Section 3714.04, the Director may by order exempt any person disposing of or proposing to dispose of construction and demolition debris in such quantities or under such

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

Tim Page
Lordstown Construction Recovery, LLC
Page 2 of 2

circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, or to create a fire hazard, from any provision of ORC Chapter 3714 or a rule adopted or an order issued under it.

It is evident to me by the revisions to ORC Chapter 3714 enacted by House Bill 397 that the legislature was clear in their intent to prohibit acceptance of pulverized debris at C&DD landfills. While I recognize that ORC Section 3714.04 allows me to grant exemptions from many requirements of the statute, I believe, as a matter of policy, that the disposal of pulverized debris should occur only in facilities that conform to Ohio's municipal solid waste landfill regulations. Additionally, because the debris is pulverized such that it is not readily identifiable, it is not possible to determine the origin and composition of the material or ensure that the material does not contain prohibited wastes. For these reasons, I cannot determine that granting the requested exemption will not adversely affect the public health or safety or the environment, or create a fire hazard. Therefore, I decline to grant the requested exemption. However, I do appreciate your willingness to discuss some of these difficult issues, and your willingness to consider a novel approach to the issues you face.

If you have any questions concerning this letter, please contact Scott Winkler of Ohio EPA, Northeast District Office at (330) 963-1220.

Sincerely,

Chris Korleski
Director

cc: Kurt Princic, DSIWM-NEDO
Scott Hester, DSIWM-CO
Frank Migliozi, Trumbull County Health Department