



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

November 18, 2015

**Re: Lordstown Construction Recovery
Notice of Violation (NOV)
NOV
Construction & Demolition Debris
Trumbull County
CDDL018743**

Lordstown Construction Recovery, LLC
6205 Palmyra Rd. SW
Warren, Ohio 44481

Lafarge North America, Inc.
8700 W. Bryn Mawr Ave.
North Tower Suite 300
Chicago, Illinois, 60631

The Standard Slag Co.
8700 W. Bryn Mawr Ave.
North Tower Suite 300
Chicago, Illinois, 60631

Dear Mr. Wirtz:

Between January 14, 2015, and November 12, 2015, the Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM), the Mahoning Trumbull Air Pollution Control Agency (MTAPCA) and the Trumbull County Health Department (TCHD) have received at least approximately 177 complaints from 21 different individuals regarding odors surrounding the Lordstown Construction Recovery, LLC construction and demolition debris (C&DD) landfill located at 6205 Palmyra Rd. SW, Warren, Ohio 44481.

Ohio EPA has noted an increase in the number of complaints received since October 1, 2015.

Odors have also been detected by representatives from the Ohio EPA and TCHD.

- On October 8, 2015, Kevin Francis, R.S. from the TCHD investigated odor complaints in the area surrounding the landfill. According to Mr. Francis, he observed odors and readings on the health department's hydrogen sulfide (H₂S) meter upon reaching the "S" curve on Newton Falls Bailey Road. According to Mr. Francis, the odor "was not distinctly sulfur. However, [the] H₂S meter reached 20

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- ppb” and the odor could be detected at levels fluctuating between 3 to 10 ppb at several stops while traveling east toward Palmyra Road.
- On October 19, 2015, TCHD sent a letter to Lordstown Construction Recovery, LLC indicating that H₂S odors were detected at the landfill's front gate on October 13, 2015, odors were detected at the “S” curve on Newton Falls Bailey Road on October 18, 2015, and onsite sulfur odors were detected near the manhole at the north slope of the landfill on October 18, 2015.
 - While managing the stationary Jerome H₂S meter, Colum McKenna, R.S. from Ohio EPA DMWM noticed odors were the strongest on October 21, 2015. The H₂S meter indicated values of 6 and 9 ppb at its location. Upon traveling westward from the location of the meter on Newton Falls Bailey Road, Mr. McKenna encountered a “very strong overpowering odor” by the “S” curve approximately 1/8 mile west of the location of the H₂S meter.

Correlating some of the data collected by Ohio EPA's H₂S meter with observations reported above shows:

- On November 4, 2015, the H₂S meter recorded H₂S levels up to 25 ppb between 6:10 a.m. and 11:09 a.m., up to 87 ppb between 5:00 p.m. and 9:08 p.m. and up to 121 ppb between 10:00 p.m. and 11:56 p.m.
- On November 5, 2015, the H₂S meter recorded H₂S levels up to 99 ppb between 12:09 a.m. and 2:32 a.m., up to 92 ppb between 4:03 a.m. and 8:23 a.m. and up to 28 ppb between 12:27 p.m. and 5:56 p.m.

Based upon information described above, Ohio EPA has determined that Lordstown Construction Recovery, LLC/Lafarge North America, Inc./The Standard Slag Co. are in violation of the following requirement contained in Ohio Administrative Code (OAC):

OAC Rule 3745-15-07(A) which states, in part, “...*The emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance.*”

OAC Rule 3745-400-11(B)(15) which states, “...*The owner or operator shall not cause or allow operations to create a nuisance or health hazard from noise, dust, odors, and the attraction and/or breeding of birds, insects, rodents, and other vectors.*”

Please be advised that violations cited above will continue until the violations have been properly abated.

The number of complaints received, coupled with Ohio EPA observations and H₂S monitor data indicate that Lordstown Construction Recovery, LLC/Lafarge North America, Inc./The

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Standard Slag Co. is creating, causing or allowing a public nuisance by emitting odors in violation of OAC Rule 3745-15-07(A) and OAC Rule 3745-400-11(B)(15).

Lordstown Construction Recovery, LLC/Lafarge North America, Inc./The Standard Slag Co. representatives recently explained that H₂S "surface scans" have been conducted at the landfill. Please submit the monitoring results to Ohio EPA and indicate steps that will be taken to abate the release of odors from the landfill. Also, please be advised that violations cited above will continue until the violations have been properly abated.

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 Lordstown Construction Recovery, LLC/Lafarge North America, Inc./The Standard Slag Co. 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 for remedying conditions resulting from any release of contaminants to the environment.

Please submit all correspondence to Katharina Snyder, Ohio EPA, Northeast District Office, Division of Materials and Waste Management, 2110 East Aurora Road, Twinsburg, Ohio 44087.

Sincerely,



Katharina Snyder
Environmental Specialist
Division of Materials and
Waste Management



Ynes Arocho
Environmental Specialist
Division of Air Pollution Control

KS:YA:cla

cc: Chris Jones, Calfee, Halter & Griswold LLP
Melinda Berry, Ohio EPA, Central Office, DMWM
Kevin Francis, TCHD
Tara Cioffi, MTAPCA

DMWM Project #none