



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

August 13, 2021

Ohio Neri, Inc.
DBA Builders Trash Services
1575 Harmon Ave.
Columbus, Ohio 43223

**Re: Builders Trash Service
Director's Final Findings and Orders (DFFO)
DFFOs
Construction & Demolition Debris (C&DD) Processing
Franklin County
CDDP022743**

And

Neri Brothers, LLC
1575 Harmon Ave.
Columbus, Ohio 43223

Subject: Final Findings and Orders of the Director

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter regarding **Builders Trash Service**.

If you have any questions, please contact Teri Finrock at (614) 644-3037.

Sincerely,

Jeri Main

Jeri Main
Administrative Professional Unit
Division of Materials & Waste Management

Enclosure

ec: Bruce McCoy, DMWM, CO
Carl Mussenden, DMWM, CO
Kelly Jeter, DMWM, CO
Aaron Shear, DMWM, CO
Connie Livchak, DMWM, CDO
Phil Franlacher, DMWM, CDO
Teri Finrock, Legal, CO
James P. Seguin, jseguin@lanealton.com
Christopher A. Walker, cwalker@vankleywalker.com

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

Ohio Neri, Inc	:	Director's Final Findings & Orders
DBA Builders Trash Services	:	
1575 Harmon Ave	:	
Columbus, Ohio 43223	:	

and

Neri Brothers, LLC,
1575 Harmon Ave.
Columbus, Ohio 43223

Respondents

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Ohio Neri Inc operating under the registered trade name Builders Trash Services and Neri Brothers, LLC ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3714.12 and 3734.13

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondents and successors in interest liable under Ohio law. No change in ownership of a Respondent or of the Facility as hereinafter defined shall in any way alter Respondents' obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3714, 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent Ohio Neri Inc. is a corporation registered with the Ohio Secretary of State. Respondent Ohio Neri Inc uses the registered trade name "Builders Trash Services."

2. Respondent Neri Brothers LLC is a domestic limited liability company organized under the laws of the state of Ohio.
3. Respondent Ohio Neri Inc as Builders Trash Services conducts a commercial and residential roll-off and dumpster service business located at 1575 Harmon Avenue, Columbus, Franklin County, Ohio ("Facility").
4. Respondent Neri Brothers LLC is the owner of the real property upon which the Facility is located, and the property is identified by the Franklin County Auditor as Parcel number 570-104508-00.
5. Michael A. Neri was the president of Ohio Neri Inc and manager of Neri Brothers LLC. Mr. Neri died on January 1, 2020. The Estate of Michael A. Neri was filed in the Franklin County Probate Court on January 14, 2020 case no. 602219. An administrator with will annexed was appointed on April 10, 2020.
6. In the fall of 2020, Michael Brown began running the day-to-day operations of the dumpster business.
7. Respondents are each a person as that term is defined in ORC sections 3734.01 and 3714.01.
8. The Facility is neither licensed nor permitted as a construction and demolition debris ("C&DD") disposal facility or a solid waste disposal facility as defined in ORC Chapters 3714. and 3734. respectively.
9. ORC Section 3714.01(C) states, "Construction and demolition debris' means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. 'Construction and demolition debris' includes particles and dust created during demolition activities. 'Construction and demolition debris' does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material."
10. OAC Rule 3745-400-04(B) provides that "[n]o person shall conduct or allow illegal disposal of construction and demolition debris."
11. OAC Rule 3745-400-01(l)(1) defines illegal disposal as "the disposal of construction and demolition debris at any place other than a construction and demolition debris facility operated in accordance with Chapter 3714. of the Revised

Code, this chapter, and Chapter 3745-37 of the Administrative Code, a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code and licensed in accordance with Chapter 3745-37 of the Administrative Code, or as otherwise authorized by this chapter.”

12. OAC Rule 3745-400-01(D)(3) defines disposal as “the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any construction and demolition debris into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage, reuse, or recycling in a beneficial manner.”
13. On April 12, 2021, Ohio EPA received a complaint that a large amount of C&DD had accumulated at the Facility.
14. On April 15, 2021, Ohio EPA and Columbus Public Health (“CPH”) conducted a complaint inspection at the Facility. At the time of the visit, Ohio EPA observed an estimated 12,000 cubic yards of C&DD illegally disposed at the Facility in violation of 3745-400-04(B). Mr. Brown informed Ohio EPA that the C&DD was no longer being taken to a landfill for disposal because the landfills had not been paid and were refusing to take the debris. At the time of the visit, Ohio EPA observed that additional C&DD was continually being brought to the Facility. Ohio EPA sent a notice of violation letter dated April 16, 2021 to Respondents notifying them of the violation.
15. On April 28, 2021, Ohio EPA conducted a second site visit at the Facility. At the time of the second site visit, Ohio EPA observed that the amount of illegally disposed of C&DD at the site had significantly increased to an estimated amount of 22,000 cubic yards. No waste was being taken to a landfill because the landfills had not been paid. Respondent Ohio Neri Inc was continuing to bring C&DD to the Facility.
16. Since April 28, 2021, Ohio EPA has conducted routine inspections of the Facility. Respondents resumed taking C&DD to the landfill, however, a significant amount of illegally disposed C&DD remains at the site. Respondents continue to bring new C&DD onsite.

V. ORDERS

Respondents shall achieve compliance with ORC Chapter 3714, 3734 and the rules promulgated thereunder in accordance with the following:

1. No later than close of business on September 18, 2021, Respondents shall remove all C&DD and solid waste from the Facility and lawfully dispose at licensed landfills except as noted in Order 7.

2. Respondents shall remove all prohibited material (e.g. mattresses, household refuse, scrap tires, any other solid waste) from the C&DD prior to disposal. The prohibited materials shall be immediately containerized. Those containers shall be removed from the Facility when full and taken to a licensed solid waste facility.
3. Respondents shall obtain receipts from each licensed disposal facility, indicating the weight or volume received from the Facility. Upon request, Respondents shall forward such documentation to Ohio EPA's Central District Office, at the address found in Section IX of these Orders.
4. Respondents shall operate the Facility in a manner that does not cause a nuisance or fire hazard; in accordance with R.C. Chapters 3704, 3714, 3734, 3737, and 6111 and the rules adopted thereunder, in a manner that does not adversely affect public health, safety, or the environment; and in compliance with all State and Local laws and regulations.
5. Respondents shall have adequate fire control equipment, material, and services available to be employed immediately upon occurrence of a fire at the Facility. Respondent shall have established and trained staff on procedures for responding to a fire including notifications, operation of fire equipment, and evacuation routes including the location of the fire hydrants and fire equipment.
6. Beginning on the effective date of these Orders, Respondents shall:
 - a. Maintain a daily record of each load that was accepted including the size of the load specified in volume or by weight, the contents of the load, and the origin of the load.
 - b. Maintain a daily record of each load that was removed from the Facility including the size of the load specified in volume or by weight, the contents of the load, and the destination of the load.
 - c. Maintain copies of the daily records and shall make them available to Ohio EPA for inspection and/or copying upon request.
 - d. Send Ohio EPA emails every day that the Facility is accepting or removing waste. The emails shall indicate the volume of waste removed the previous workday and the volume of waste received at the Facility on the previous workday.
7. Respondents' obligations under these Orders shall end upon the concurrence of Ohio EPA that all accumulated C&DD has been removed from the Facility and only 500 cubic yards of C&DD remain provided the C&DD was brought onto the Facility during the preceding week. Until Respondent's receive Ohio EPA's concurrence,

Respondent shall not process any C&DD for recycling.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Material and Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate, and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by a responsible official of Respondents. For purposes of these Orders, a responsible official is a principal executive officer of at least the level of vice president, or the duly authorized representative, if such representative is responsible for the overall operation of the Facility.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

VIII. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Materials and Waste Management
P.O. Box 1049
Columbus, Ohio 43216-1049

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

IX. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against Respondents for noncompliance with these Orders and/or for the violations described herein. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Respondents to perform additional activities pursuant to ORC Chapter 3714 or 3734 or any other applicable law in the future. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

X. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Laurie A. Stevenson
Director

08/13/2021
Date

Entered into the Director's Journal

August 13, 2021.