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

September 23, 2021

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

And

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

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

Subject: Director's Final Findings and Orders

Dear Sir or Madam:

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

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad St., 4th Floor
Columbus, Ohio 43215

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

Sincerely,

Jeri Main

Jeri Main
Division of Materials & Waste Management

ec: James P. Seguin, Lane Alton
Christopher A. Walker, Van Kley & Walker, LLC
Teri Finfrock, DMWM – Legal
Connie Livchack, DMWM – CDO
Phil Farnlacher, DMWM – CDO
Bruce McCoy, DMWM – CO
Kelly Jeter, DMWM – CO
Aaron Shear, DMWM – CO
Vlad Cica, DMWM – CO
Carl Mussenden, DMWM – CO
Joe Goicochea, DMWM – CO

Ohio EPA 9/23/2021
Entered Directors Journal

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter Of:

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

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(I)(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 August 13, 2021, Director's Final Findings and Orders were issued to Respondents which stated in Orders 1 and 7: ("Director's August 13, 2021 DFFO"):

    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."

    ***

    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."

14. On September 16, 2021, Respondents informed Ohio EPA that they were not going to achieve the September 18, 2021 deadline in Order 1 of the Director's August 13, 2021 DFFO and therefore, requested an extension of time to come into compliance.

V. ORDERS

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

1. Respondents are hereby granted an extension of the September 18, 2021 deadline in Order 1 of the Director's August 13, 2021 DFFO. Order 1 of the Director's August 13, 2021 DFFO shall be modified as follows:

   No later than close of business on October 11, 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. Respondents are prohibited from bringing C&DD and solid waste onto the Facility until such time as Respondents are in compliance with this Order.

2. In accordance with the above granted extension, Order 7 of the Director's August 13, 2021 DFFO shall be modified as follows:

   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. 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 are in compliance with the Director's August 13, 2021 DFFO.

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 AND AGREED:

Ohio Environmental Protection Agency

Laurie A. Stevenson

Director

9/23/2021

Date