



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-8490
www.epa.state.oh.us

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

June 18, 2007

**RE: ADAMS COUNTY
SITE ARRICK'S GAS
20070277**

McCann Construction
Attn: Mr. Eric McCann
6491 Beechwood Lane
Hillsboro, Ohio 45133

**CERTIFIED MAIL
#7006 3450 0001 9054 6581**

Dear Mr. McCann:

The Southeast District Office of Ohio EPA received a complaint that open dumping of demolition debris and asbestos waste has occurred on Arrick's Gas property off of Jacksonville Road in Peebles, Adams County, Ohio. The demolition debris and asbestos waste is from the Peebles Elementary School.

I conducted an investigation of the site on June 14, 2007. I was accompanied by Louis Boerger with the Portsmouth Local Air Authority. I observed demolition debris dumped on the property. I was informed by Bill Carpenter with Arrick's Gas that a contractor razed the Peebles Elementary School which T&J Community Service had purchased and had disposed of the demolition debris on Arrick's Gas property in the summer of 2005. Information that I have indicates that you are the contractor that razed the structure.

There is no record of an asbestos evaluation or abatement conducted by the contractor before the structure was razed. Ohio EPA has information that asbestos containing materials were in the building prior to demolition. Friable asbestos is a solid waste. The material from your building including the asbestos and demolition debris was illegally disposed and open dumped.

Open dumping of solid waste and demolition debris is a violation of Chapter 3734 and 3714 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

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OAC Section 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734, of the Revised Code, and shall submit verification that the solid waste has been properly managed.

OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

The open dumping of solid waste and illegal disposal of demolition debris must cease immediately. Please contact the property owner, Ralph Arrick at 178 Burns Road, Lucasville, Ohio 45648 to coordinate an asbestos evaluation of the waste and debris that was disposed on site.

Please respond to this District Office within ten days of receipt of this letter to inform me of your intentions and actions taken to abate the above noted violations.

Compliance with the requirements outlined in the letter, or the solid and infectious waste provisions contained on ORC Chapter 3734 and the rules promulgated thereunder, does not relieve your obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at 740-380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CS/jg

cc: Louis Boerger, Portsmouth Local Air Authority
cc: Jason Work, Adams County Health Department
cc: Karen Sapp, Adams County Emergency Management Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

McCann Construction
 Attn: Mr. Eric McCann
 6491 Beechwood Lane
 Hillsboro OH 45133

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 Robert McCann 06-22-07

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)

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