



FILE COPY

State of Ohio Environmental Protection Agency

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August 1, 2008

Van Johnson
Van Johnson Construction, Inc.
2672 Eckert Road
Lancaster, Ohio 43140³

Re: Black Mixture of Refractory Brick and Other Material

Dear Mr. Johnson:

I am writing this letter as a follow-up to recent discussions (July 17, 2008 meeting and July 29, 2008 site visit) regarding the proper classification of a black mixture of waste materials (see attached photo) that were taken to your property on Crawfis Road during the demolition of the Anchor Hocking Plant #2 located on Ewing Street, Lancaster, Ohio. It is my understanding that there are between 2,500 and 3,000 tons of this material currently at your property. It should also be noted that there is also a large amount (between 25,000 and 30,000 cubic yards) of concrete stockpiled at the site. The stockpiled concrete meets Ohio EPA's definition of clean hard fill and can be managed in accordance with Ohio Administrative Code Rule 3745-400-05. Management options under this rule (copy attached) include recycling the hard fill into a usable construction material.

It is clear that the mixture of black material contains items that are not the result of the construction, demolition, or alteration of a structure. Therefore, the mixture can not be classified as a construction and demolition material and hence managed as clean hard fill. Instead this material must be classified as a solid waste and managed in accordance with Ohio EPA's solid waste rules. It is possible to screen the mixed material to remove the refractory bricks. The screened refractory brick could then be managed as clean hard fill instead of solid waste.

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

As we discussed during the site visit, this black mixture of material should be removed from the site and taken to a licensed solid waste facility by November 1, 2008. I hope this helps to clarify the regulatory status of this material. If you have any questions, please feel free to call me at (614) 728-3890. I can also be reached by email at phil.farnlacher@epa.state.oh.us.

Sincerely,



Phil Farnlacher
Environmental Specialist
Division of Solid & Infectious Waste Management
Central District Office

Attachments: Photo of Black Mixture of Waste Materials
OAC Rule 3745-400-05

c: Dave Baltzer, Hull & Associates w/copy of Attachments
Roger Homrich, Homrich, Inc. w/copy of Attachments
Tim Morrow, City of Lancaster w/copy of Attachments
Ray Moreno, DERR, CDO w/copy of Attachments
CDO DSIWM File w/copy of Attachments