



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

July 21, 2009

CERTIFIED MAIL

Mr. Jim Duff, President/CEO
Duff Quarry
9042 St. Rt. 117,
Box 305
Huntsville, Ohio 43324

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Duff:

On July 16, 2009, Cheryl Allen and I, Ohio EPA Division of Solid & Infectious Waste Management (DSIWM), Southwest District Office (SWDO), investigated a complaint phoned in by Craig Osborne, Ohio EPA Division of Air Pollution (DAP), SWDO.

Mr. Osborne's complaint was in regard to the improper disposal of, and open burning, of construction and demolition debris (C&DD) and solid waste items, located on the property, parcel 230480000038000, owned by Duff Quarry, Inc. at the intersection of State Route 33 and 274, near Huntsville, Ohio,

During the complaint investigation, Ms. Allen and I observed a building at the entrance of the property that has been demolished and burned to the ground. This area was on the foundation of the demolished office of the former Spofford Manufactured Homes Business. The debris in the office building foundation was smoldering. Other than ash, some brush C&DD and solid waste was observed in the pile.

In addition, another area of smoldering debris, with a noticeable reddish flame, was observed to the southeast of the smoldering office building foundation. Other than ash, some brush C&DD and solid waste was also observed in this pile.

A half of a sectional home, unburned, was observed to the east of the entrance drive.

The remaining C&DD and solid waste should be taken to a licensed landfill. If the manufactured home debris contains asbestos, please ensure that it is properly disposed of at a facility that is licensed to accept this material. Also, a copy of the receipt would be needed for purposes of documenting proper waste disposal.

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Open Dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code...

Violations

The open dumping of solid waste is a violation of:

ORC Section 3734.03 which states in part:

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...

ORC 3734.05(A)(1), which states:

Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

OAC Rule 3745-27-05(A), which states in part:

Disposal of solid waste under Chapter 3734 of the Revised Code shall only be by the following methods or combination thereof:

(1) Disposal at a sanitary landfill facility licensed in accordance with section 3734.05 of the Revised Code.

(2) Incinerating at an incinerator licensed in accordance with section 3734.05 of the Revised Code.

(3) Composting at a composting facility licensed or registered in accordance with section 3734.05 of the Revised Code...

OAC Rule 3745-27-05(C), which states:

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(s) responsible for the open dumping, the owner of the property, or the

person(s) who allow 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.

[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site and/or remediation of ground water contamination resulting from the open dumping.]

Unauthorized disposal of C&DD is a violation of:

OAC 3745-37-01(C), which states:

No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority except as otherwise specified in this rule.

OAC Rule 3745-400-04(B), which states in part:

No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

ORC Section 3714.06(A), which states in part:

No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license...

ORC 3714.99, which states:

Whoever knowingly violates section 3714.13 of the Revised Code is guilty of a misdemeanor of the second degree. Each day of violation is a separate offense.

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ORC 3734.99, which states:

Except as otherwise provided in divisions (B), (C), (D), (E), (F), (G), and (H) of this section, whoever recklessly violates any section of this chapter, except section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], 3734.574 [3734.57.4], or 3734.60 of the Revised Code, recklessly violates section 3734.03 of the Revised Code with regard to scrap tires, or recklessly violates an order issued under division (B) of section 3734.13 of the Revised Code regarding a violation of the provisions of this chapter governing scrap tires, is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both. Whoever violates section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], or 3734.574 [3734.57.4] of the Revised Code shall be fined not more than ten thousand dollars. Each day of violation constitutes a separate offense.

Corrective Actions

Immediately cease the acceptance, disposal of Solid Waste and C&DD. All Solid Waste and C&DD, and materials containing asbestos (if applicable) dumped at the site must be removed and properly disposed of at an appropriately licensed facility within 30 days of receipt of this letter. Provide the Ohio EPA with a copy of all waste receipts from the disposal of the waste. Please send the receipts to:

**Ohio EPA
401 East 5th Street
Dayton, OH 45402
Attn: Monte Bluebaum**

A reinspection will be required at the site after you correct the violations listed in this letter.

Please call Craig Kauffman immediately after the corrective actions have taken place.

Also, you should have received notice of violation letters from Craig Osborne, Ohio EPA, SWDO DAPC and Craig Kauffman, Logan County Health District. Mr. Kauffman is your primary contact in Logan County.

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

If you have any questions, please contact me at (937) 285-6647 or e-mail me at monte.bluebaum@epa.state.oh.us.

Thank you for your time and consideration, regarding this matter.

Sincerely,

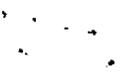
Monte Bluebaum R.S.

Monte Bluebaum, R.S.
Ohio EPA, SWDO, Division of Solid and Infectious Waste Management

cc: Craig Kauffman, Logan County Health District;

MB/mab

ec: Craig Osborne, Ohio EPA, SWDO DAPC





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Sent To

MR. Jim Duff, President/CEO

Street, Apt. No.
or PO Box No.

Duff Quarry 9042 St Rt. 117

City, State, ZIP+4

Huntsville Box 305 OH 43324

See Reverse for Instructions

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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047