



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

September 21, 2009

CERTIFIED MAIL

Ed Savage, Jr.
1650 West Sixth Street
Ashtabula, Ohio 44004-2842

Dear Mr. Savage,

On August 6, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of the property located at 1802 Lake Avenue, in Ashtabula, Ohio. I, representing Ohio EPA Division of Solid and Infectious Waste Management (DSIWM), conducted an inspection of the site upon receipt of a complaint. The purpose of my inspection was to determine compliance with Ohio's solid waste and construction and demolition debris laws and regulations.

Upon inspection, Ohio EPA confirmed the use of clean hard fill for the purposes of a legitimate fill operation. Therefore, the owner(s) of this property is in violation of Ohio Administrative Code (OAC) **3745-400-05(C)** that states, in part, "[t]he person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed ... The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification."

Attached is a *Notice of Intent to Fill* form. Please complete the form and return to Ohio EPA within thirty (30) days of the date of this letter.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner of the property from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (330) 963-1268.

Sincerely,

Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl
Attachment

cc: Terri Collett, Ashtabula City HD
File: [KURKO/COUN/Ashtabula City/GEN/04]
Michael Franklin, Ashtabula City Solicitor