



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Butler Co.
Health Dept
Gen. Covr.

July 8, 2011

Nathan Taylor & Kristina Cross
6029 Stillwell Road
Oxford, Ohio 45056-9345

RE: **Notice of Violation**- Failure to submit a Notice of Intent to Fill

Dear Mr. Taylor & Ms. Cross:

This letter is being sent to your attention as the property owner of record (in accordance to the Butler County Auditor's website on July 8, 2011).

On July 6, 2011, Pat Willoughby and I representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM) responded to a complaint of illegal disposal with possible impact to a neighboring well at your property located at 6029 Stillwell Rd., Oxford, Butler County, Ohio. Bob Krinov of the Butler County Health Department accompanied us during our inspection. Mr. Tim Cochran was present on the property upon our arrival and indicated that he is currently in a land contract to buy this property.

The purpose of this inspection was to determine compliance with Ohio's Solid Waste & Construction and Demolition Debris Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During my inspection on July 6, 2011, I observed the following:

1. Large chunks of asphalt had been brought onto the property and were being placed in the lower section of the driveway.
2. There were also three (3) corrugated pipes next to the pile of asphalt and a load of bricks that contained miscellaneous municipal solid waste including but not limited to a pair of children's sandals, plastic, cans and food container waste (see attached photos).

During the inspection Mr. Cochran indicated that the asphalt had come from the demolition of the McDonald's parking lot located in Oxford, Ohio. Mr. Cochran also indicated that a friend had dropped off the load of bricks as fill material for the driveway. Additionally, Mr. Cochran indicated that he intended to crush the asphalt and

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brick as a base for the new drive since he had just replaced the drain tile and gravel would be brought in to place over the material as the final layer.

The process of filling and grading with the use of "clean hard fill" does require notification seven (7) days prior to beginning these activities. Currently, Ohio EPA has not received proper documentation for these activities on this property.

Pursuant to Ohio Administrative Code (OAC) Rule 3745-400-01(E),

"Clean Hard Fill" is defined as construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. **Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.**

Please be advised the asphalt and brick may be source separated and used for clean hard fill on the property in accordance with OAC Rule 3745-400-05(A)(1) which states in part:

"Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone can be recycled into a usable construction material."

The property owner(s) failure to submit a Notice of Intent to Ohio EPA at least seven days prior to conducting these filling/grading activities is a violation of OAC Rule 3745-400-05(C) which states in part:

"The 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 Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. 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."

As discussed with Mr. Cochran, only clean hard fill may be used to fill and/or grade a property providing local regulations and restrictions are met. All prohibited materials must be removed and properly disposed from the fill prior to adding gravel as a top coat to the drive-way. I also requested a Notice of Intent to Fill Form be submitted to Ohio

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EPA. A copy of Ohio EPA's guidance document #563 titled Clean Hard Fill and the Notice of Intent to Fill form were given to Mr. Cochran during the inspection.

The Notice of Intent to Fill form needs to be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers. Failure to submit a NOI to Ohio EPA is a violation of the Ohio's Construction and Demolition Debris Rules and Regulations and could result in escalated enforcement. I have enclosed a copy of Ohio EPA's guidance document #563 titled Clean Hard Fill and a Notice of Intent to Fill Form which needs to be completed and returned to my attention at the address on the letterhead above. If you have any questions or need assistance with completing these forms please feel free to contact me at either maria.lammers@epa.state.oh.us or by phone at 937-285-6046.

Sincerely,



Maria Lammers, R.S.

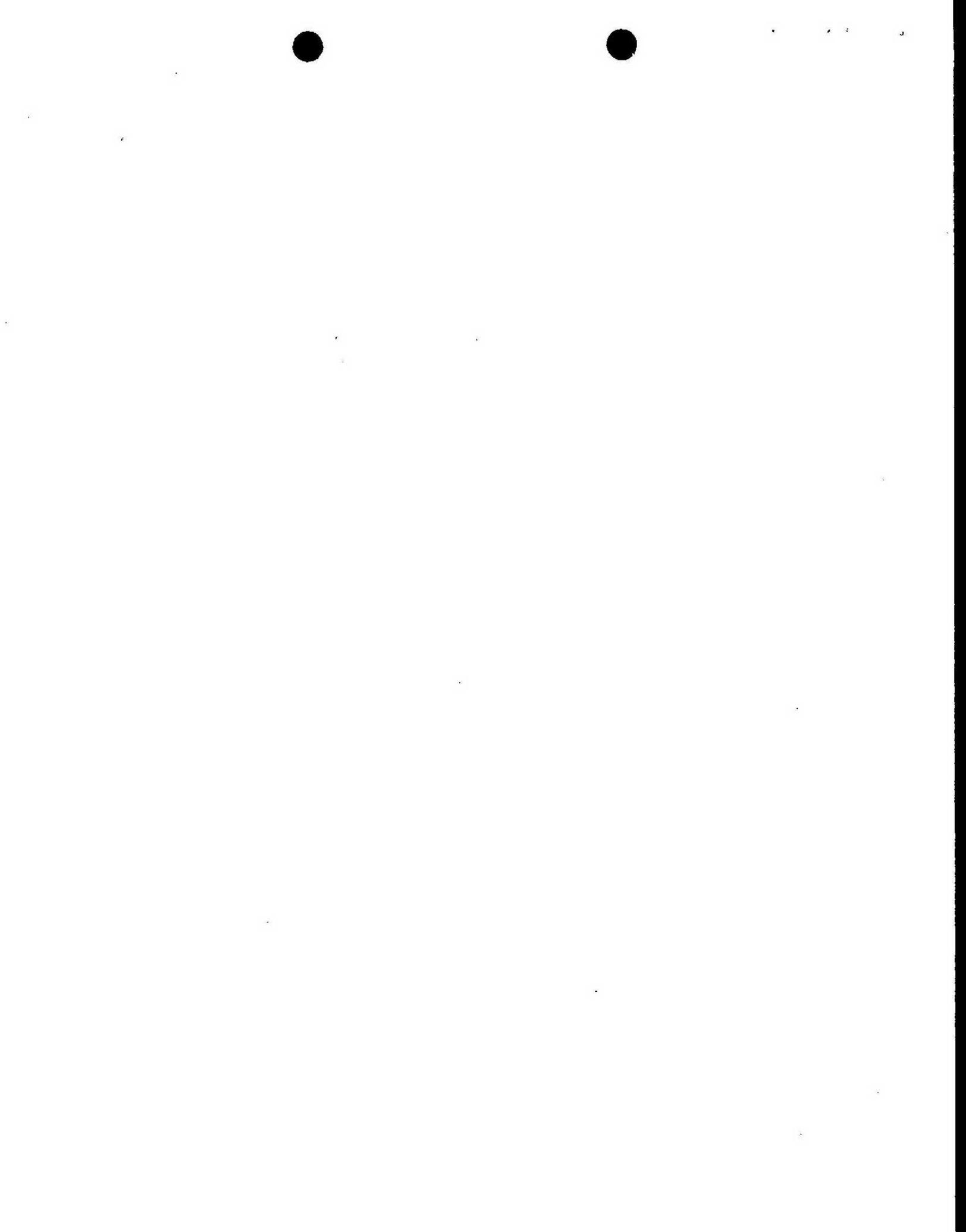
Environmental Specialist II

Ohio EPA, Division of Materials and Waste Management

Enclosure: Notice of Intent to Fill Form
Guidance Doc#563 Clean Hard Fill
Photos from inspection

cc: Tim Cochran w/o enclosures
Bob Krinov, Butler County Health Department w/photos only
Chief Environmental Services, Butler County Health Department w/photos only

ML\bp



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