



**Environmental
Protection Agency**

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

*Butler Co.
Health Dept
Gen. Corr.*

June 23, 2011

Donald R. & Sherry L. Craft
1730 W. Elkton Rd
Hamilton, Ohio 45013-9701

RE: **2nd Notice of Violation-** Failure to submit a Notice of Intent to Fill
1730 W. Elkton Rd, Butler County

Dear Mr. & Mrs. Craft:

On June 21, 2011, I conducted a follow-up inspection at your property located at 1730 W. Elkton Rd., Hamilton, Butler County, Ohio since I had not received a response to my letter issued January 10, 2011.

The purpose of this inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734. This is a second notification of the violation for failure to submit a Notice of Intent to Fill for this property.

On June 21, 2011, I observed more concrete, soil and gravel placed behind the home and at the rear of the yard behind the garage. Additionally, gravel and soil has been placed over some of the concrete to improve the grading of the property based on inspection results from the previous July 2010 and November 29, 2010 inspections. Currently, Ohio EPA has not received proper documentation for these activities.

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."

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

During previous inspections conducted in July 2010 and November 2010 I met with Mr. Craft in response to a complaint of open dumping/illegal disposal of air conditions, lumber and burial of concrete and brick on the property. As discussed with Mr. Craft, only clean hard fill may be used to fill and/or grade a property providing local regulations and restrictions are met and I also requested a Notice of Intent to Fill Form be submitted to Ohio EPA.

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

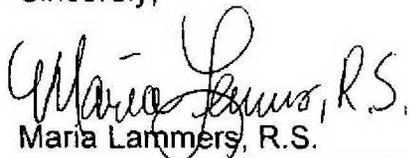
"Clean Hard Fill" is defined as construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick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

Please be advised the concrete may be source separated and used for clean hard fill on the property in accordance with OAC Rule 3745-400-05(A)(4) which states in part:

"Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone can 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, pursuant to paragraph (C) of this rule."

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 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

ML/ff

Enclosure: Notice of Intent to Fill Form

Cc: Jerry Lanich, St. Clair Zoning Department

INTENT TO FILL REQUIREMENTS FOR HARDFILL SITES

Clean hard fill may be disposed of in any of the following four methods pursuant to OAC Rule 3745-400-05(A)

1. Recycled into usable construction material.
2. Disposed in a licensed construction and demolition debris (C&DD) or solid waste landfill.
3. Used to change the grade on the site of generation or removal.
4. Used to change the grade on a site other than the site of generation. When clean hard fill is placed off the site of generation, the person placing the clean hard fill shall provide a seven day "Notice of Intent to Fill"

CLEAN HARD FILL DEFINITION (OAC Rule 3745-400-01(E))

Material that consists only of reinforced or non-reinforced concrete, asphalt concrete, brick, block, refractory brick and mortar, tile and/or stone which can be reutilized as construction material is considered "clean hard fill". Clean hard fill cannot contain other constituents of C&DD, solid waste, hazardous waste, radioactive waste. Some refractory brick may be radioactive or hazardous and thus prohibited from use as clean hard fill or from disposal at a C&DD facility. Lumber, wood, drywall and particle board are not considered to be clean hard fill and should be disposed of at a licensed C&DD or solid waste landfill.

INTENT TO FILL NOTIFICATION

Please complete the information below and return to Ohio EPA, Southwest District Office,

401 E. Fifth Street, Dayton, Ohio 45402. Please keep a copy on file for your records

The notification shall be received 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.

1. Nature of the fill material: _____

2. The site of generation or removal: _____

3. The site(s) to be filled (address and parcel number): _____

4. When filling will begin and end: _____

5. Name, mailing address, and telephone number of person responsible for fill: _____

6. Name, mailing address, and telephone number of property owner: _____

I verify that all submitted information is correct and complete.

Property Owner (Print Name)

Signature

Date

