



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

October 5, 2009

RE: NOTICE OF VIOLATION
ILLEGAL DISPOSAL OF C&DD
CARROLL COUNTY

CERTIFIED MAIL

Mr. James W. Miller
4276 Roswell Rd
Dellroy, Ohio 44620

Dear Mr. Miller:

Carroll County Tax Records indicate that you are the owner of a property with the parcel number 10-0001702.000, located off of Trump Road in Carrollton, Ohio. On September 14, 2009, I, representing the Ohio Environmental Protection Agency (Ohio EPA), received an anonymous complaint alleging that illegal disposal of construction and demolition debris (C&DD) was occurring on the subject property. I conducted a complaint investigation at the subject property on September 14, 2009, and I observed C&DD being illegally disposed on the subject property.

Upon completing my inspection, I determined that the following violation of the Ohio Administrative Code (OAC) and of the Ohio Revised Code (ORC) existed at the subject property:

1. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection C&DD wastes, including but not limited to concrete blocks, concrete slabs, clay tiles, dimensional lumber, brick, brick walls, and asphalt, were observed illegally disposed on this property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it at a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

The illegal disposal of C&DD on this property is a violation of the following rule:

- **OAC Rule 3745-400-04(B):** *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

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Please address the above violation immediately, and notify me, in writing, within 15 days of receiving this letter, indicating the measures which have been taken to correct this violation.

Failure to correct the above violation could result in escalated enforcement action being taken against the owner(s) of this property by Ohio EPA.

It was observed that filling is taking place in advance of an area containing what appeared to be wetland vegetation. This letter is being copied to Ohio EPA Division of Surface Water personnel in order to determine if the area is a regulated wetland.

In accordance with OAC Rule 3745-400-01(E), "Clean hard fill" means 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.

Should you wish to use clean hard fill in legitimate filling operations, you must comply with the following statute and rule:

- **ORC Division 3714.13(F)**: *"No person shall knowingly place or cause to be placed any reinforced or nonreinforced concrete, asphalt, clay tile, building or paving brick, or building or paving stone resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans as fill material on or in any land owned, leased, or controlled by the person, other than on the site where the materials were so generated or removed, without providing written notice to the board of health of the health district in which the land is located or, if the health district is not on the approved list under section 3714.09 of the Revised Code, to the director of environmental protection at least seven days prior to the first placement of any such materials as fill material at the off-site location."*
- **OAC Rule 3745-400-05(C)**: *"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 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 the 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."*

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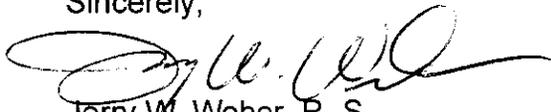
If you wish to conduct legitimate filling operations on a site other than the site of generation, please submit the required Notice of Intent(s) to Fill to my attention at the following address:

Jerry W. Weber
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

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(s) of this property, or others, 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl
Enclosures

cc: Ed Wilk, DSW-NEDO
File: [Kurko/COUN/Carroll County/GEN/10]

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Sent To *James W. Miller*

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4 *Wellroy OK 44620*

PS Form 3800, August 2006

See Reverse for Instructions