



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Open Dumping
Inspection Results
Case No: 08-41

CERTIFIED MAIL

August 8, 2008

Mr. Terry Powell
4710 SR 309
Galion, Ohio 44833

Dear Mr. Powell:

On July 11, 2008 the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection at your property at the above referenced address, as well as your rental property at 417 Hensley Ave., Galion, Ohio. The purpose of this inspection was to investigate a complaint Ohio EPA received in reference to the above named properties and determine compliance in accordance with Chapter 3745-27 of the Ohio Administrative Code (OAC). I have enclosed the pictures from our inspection of the Hensley Ave. property for your reference.

I represented Ohio EPA, and Stephanie Zmuda represented the Galion City Health Department during the July 11, 2008 inspection. You accompanied us throughout our inspection. At the SR 309 property, I observed multiple areas where waste sandblasting grit had been used as fill material to fill low areas. There were approximately 6-10 areas of varying size where sandblasting grit was used as fill that ranged from approximately 1-3 inches in depth.

At the Hensley Ave. property, we noted sandblasting grit being used to fill the back yard of the property. Mixed into the sandblasting grit were some items that appeared to come from remodeling the apartment. Mr. Powell stated that these items were in the bed of his truck and were mistakenly mixed into the sandblasting grit. These items made up a relatively small portion of the fill. Mr. Powell stated that the back yard regularly flooded, and the sandblasting grit was used to raise the grade of the property to prevent flooding. The back yard fill area was approximately 25 x 35 feet, and varied in depth, the majority of the fill was 8-10 inches in depth.

The sandblasting grit was received from Striker Sandblasting in Iberia. Striker had their waste sandblasting grit tested in August 2007 and received confirmation from Ohio EPA Central District Office, Division of Hazardous Waste Management, that their current waste sandblasting grit was not classified as a hazardous waste. This letter was dated August 23, 2007. As explained to Mr. Powell during the inspection, even though the waste is not classified as a hazardous waste, by OAC Rule 3745-27-01(S)(23) the sandblasting grit is still considered a solid waste and has disposal/use restrictions associated with it:

OAC Rule 3745-27-01(S)(23) states, "Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from

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combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

OAC Rule 3745-27-05(C) 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.

Ohio Revised Code (ORC) Section 3734.03 states, No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

Placement of the above referenced items onto or into the ground constitutes open dumping. The owner/operator of the property is in violation of OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping. The owner/operator of the property is also in violation of ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating a solid waste disposal site without a permit and license.

ORC Section 3734.02(C) states, Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility, or modify an existing solid waste facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director.

ORC Section 3734.05(A)(1) 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 3745-37-01(A) states in part, No person shall conduct municipal solid waste landfill operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder.

You will continue to be in violation of ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating an unlicensed and unpermitted solid waste landfill facility and OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping of solid waste at your property until all waste materials are removed.

Please respond, in writing, within 14 days from receipt of this notice of violation. The response shall include a schedule for removing solid waste from the aforementioned properties for proper disposal. Options for disposal include: disposal of the material in a licensed sanitary landfill, or returning the material to Striker Sandblasting. If the material is returned to Striker, contact me before removing any

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material so that the return to Striker can be verified. Please note copies of disposal receipts shall be submitted to Ohio EPA in order to document proper disposal. Please submit your response and documentation to my attention at: 347 North Dunbridge Rd. Bowling Green OH., 43402.

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-3078.

Sincerely,



Tyler Madeker, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

pc: Phil Farnlacher, DSIWM, CDO
Jennifer Trainer, Morrow County Health Department
Stephanie Zmuda, Galion City Health Department

~~File Crawford County Dump Sites w/ attachment~~
7006 0100 0003 7708 6388

ec: Mike Reiser, DSIWM, NWDO

DSWJM-TM-LB

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>Terry Powell</i>	
	B. Received by (Printed Name) <i>Terry Powell</i>	C. Date of Delivery <i>8-13-08</i>
1. Article Addressed to: <i>Mr. Terry Powell</i> <i>4710 SR 309</i> <i>4710 SR 309</i> 43325	D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No <i>PO BOX 93</i> <i>Iberia Oh 43325</i>	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7006 0100 0003 7708 6388	
PS Form 3811, February 2004	Domestic Return Receipt	102595-02-M-1540

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Total Postage & Fees	\$ <i>5.32</i>

Ohio EPA
Postmark Here
AUG 1 2008
HOWLING GREEN OH

Sent To	<i>Mr. Terry Powell</i>
Street, Apt. No., or PO Box No.	<i>4710 SR 309</i>
City, State, ZIP+4	<i>Iberia Oh 44833</i>

PS Form 3800, June 2002 See Reverse for Instructions