



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Putnam County
Notice of Violation
DSIWM Case No. 10-27

May 4, 2010

CERTIFIED MAIL

Ms. Johanna Klima
24058 Rd. U-20
Delphos, Ohio 45833

Dear Ms. Klima:

On April 13, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA) inspected a property located at 21370 State Route 190, in Putnam County. The Putnam County Auditors webpage lists you as the owner of the above referenced property. During my inspection, I observed two large piles of construction and demolition debris (C&DD) and an area that was in the process of being filled (Photos 1 and 2). The inspection was performed from the right of way of Route 30 and therefore the exact nature of the material being used as a roadway/fill could not be observed at the time of the inspection.

Ohio law allows for the use of clean hard fill for legitimate fill operations provided that the proper notifications are made prior to commencing filling operations.

Ohio Administrative Code (OAC) Rule 3745-400-01 defines clean hard fill 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."

OAC Rule 3745-400-05(A)(4) allows for 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, pursuant to paragraph (C) of this rule."

OAC Rule 3745-400-05(C) 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..."



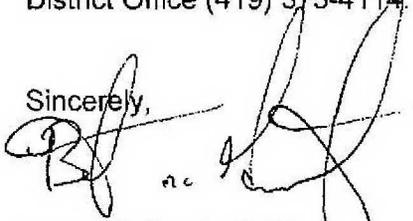
Ms. Johanna Klima
May 4, 2010
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It is not apparent as to if the clean hard fill was generated on the property. If the clean hard fill was not generated on the property, the enclosed notice of intent to fill form must be filled out and returned before proceeding with any additional filling. **Regardless of if the material was generated on or off of the property, the wood and other material that does not meet the above definition of clean hard fill must be removed and properly disposed of prior to filling.** Additionally, if the material that has already been used for filling contains material that does not meet the definition of clean hard fill, this material must also be removed and properly disposed of. Please be aware that open burning is a violation of state law and does not constitute proper disposal of the removed C&DD.

Please provide a written response within 14 days, providing confirmation that the material was generated on the above property (i.e. indicate where the structure was located on the property, and when and why it was demolished), or provide a completed notice of intent to fill form. Additionally, include in writing the understanding that all material not meeting the definition of C&DD must be removed prior to filling, and indicate where the material will be disposed of.

All correspondence must be sent to my attention at 347 N. Dunbridge Road, Bowling Green, Ohio 43402. If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-4114.

Sincerely,



Brent M. Goetz, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

pc: ~~NWDO File Putnam County C&DD~~
Sylvester Klima, CERTIFIED MAIL 7006 0100 0004 1318 3644
7006 0100 0004 1318 3651

ec: Mike Reiser, NWDO-DSIWM
Tom Cikotte, DAPC-NWDO

7006 0100 0004 1318 3644

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Sent To: M. S. Sutherland Klum
 Street, Apt. No.: 50370 SR 190
 or PO Box No.: Delphos OH 45833
 City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

7006 0100 0004 1318 3651

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Sent To: M. S. Sutherland Klum
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See Reverse for Instructions



Photo 1- C&DD material staged on Klima property (21370 State Route 190)



Photo 2- Area of filling on Klima property (21370 State Route 190)

Notice of Intent to Fill

Instructions: Ohio rules require 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 The Ohio Environmental Protection Agency at least seven days prior to filling.

1. Describe the nature of the fill material to be used: _____

Does it meet the definition of CLEAN HARD FILL? Yes _____ No _____

If yes, continue to No. 2. If no, STOP. Described material does not meet definition.

2. Where will the material come from?

Street Address _____ City, Village, or Township _____

3. Where will the material be placed:

Street Address _____ City, Village, or Township _____

4. When will the work be done? Beginning Date _____ Ending Date _____

5. Will the CLEAN HARD FILL 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?

Yes _____ No _____

If yes, describe use _____. If no, STOP. It is not a legitimate use for CLEAN HARD FILL.

6. Is the fill location in a regulatory wetland, floodplain, pond, quarry or borrow pit?

Yes _____ No _____

If yes, permission must first be received from the Ohio EPA, Division of Surface Water and/or the U. S. Army Corps of Engineers. Provide documentation. If no, proceed to # 7 and complete rest of form.

7. Name of Notifier/Provider _____ Daytime Phone _____

Name of Notifier/Recipient _____ Daytime Phone _____

I am aware of the requirements for disposal of demolition debris, including the definition of CLEAN HARD FILL. The information contained in this form is correct to the best of my knowledge.

Signed: _____ Date: _____
(Notifier/Provider)

Signed: _____ Date: _____
(Notifier/Recipient)
