



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

January 23, 2007

**GUERNSEY COUNTY
SITE - GEN**

Capstone Coal Holding Company
P.O. Box 115
Bannock, OH 43972

To Whom it May Concern:

On January 17, 2007, I conducted a follow-up investigation of a complaint about open dumping and open burning of solid waste and illegal disposal of construction & demolition debris (C&DD) along the end of Unical Road in Millwood Township in Guernsey County, Ohio. A past review of courthouse records indicated that Capstone Coal owns the property. As you may recall, an initial site investigation took place in February 2006, and found evidence of open dumping and open burning at the site.

At the time of this follow-up investigation, I did not observe any new waste at the site. A gate had been placed across the road to restrict unauthorized access to the dump site. I did however observed that a large amount of solid waste and construction & demolition debris continued to be open dumping and illegally disposed of at the site. No site clean up or removal of waste appears to have occurred.

As I indicated in my last correspondence, open dumping or open burning of solid waste is a violation of Ohio Revised Code (ORC) and Ohio Administrative Code (OAC). Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 3745-27-05(C) - 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.

Illegal disposal of construction and demolition debris is a violation of Chapter 3714.02 of the Ohio Revised Code, and 3745-400-04 of the Ohio Administrative Code.

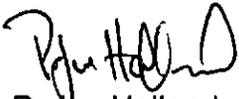
OAC 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Ohio EPA appreciates the efforts to restrict access to site. However, efforts need to be made to remove all waste from the site and properly dispose of all material at a licensed facility.

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If you have any questions concerning this letter please contact me at (740) 330-5439.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Southeast District Office

PJH/jg