



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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

January 30, 2007

**RE: GUERNSEY COUNTY
SITE - GEN**

Mr. Tim Messerschmidt
Messerschmidt Construction
3645 Glenn Highway
Cambridge, Ohio 43725

Dear Mr. Messerschmidt:

On January 4, 2007, I visited your property at the above address in an attempt to speak to you about a construction matter. At the time of my visit, no one was available at the site. However, while at the site, I found a large pile of demolition debris along with a pile of scrap tires dumped near the rear of the property.

In late 2002 and early 2003 we discussed similar activity at this site. At that time, you indicated that the material was being staged prior to disposal at the James Construction & Demolition Debris site near Zanesville. I trust that the placement of this material is temporary and that all solid waste and demolition debris will be removed and properly disposed of in a licensed facility.

As I indicated in past correspondence, open dumping of solid waste and/or illegal disposal of C&DD are violations of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

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

OAC Rule 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.

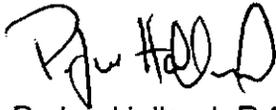
OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

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Please respond to me, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste and C&DD regulations and laws.

If you have any questions regarding this letter, please contact me at 740-380-5439.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Joe Holland". The signature is stylized and cursive.

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

PJH/jg