



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 10, 2011

**RE: GUERNSEY COUNTY
SITE - GEN**

Kendrick Excavating
Attn.: Adam Kendrick
3765 New Riley Road
Dresden, Ohio 43821

Dear Mr. Kendrick:

On June 1, 2011, this office received a complaint alleging that open dumping of solid waste and illegal disposal of construction & demolition debris was occurring at 67817 Old 21 Road, Cambridge, Ohio 43725. The complaint alleged that miscellaneous solid waste, demolition debris and hard fill were being disposed of at the site.

I observed that fill material was being used to widening the driveway at the property by approximately 30 ft. by 300 ft. The fill consisted mainly of clean hard fill (brick, block, concrete) and soil; however, a few of the piles were mainly construction & demolition debris (boards, metal, insulation, shingles, etc.) and construction & demolition debris was scattered throughout the rest of the fill area. During this visit, I spoke with the property owner, Larry Kotoff, and advised him that the construction & demolition debris would need to be removed.

After my visit to the property, I spoke with your foreman at the state hospital work site, who sent the material to the property. He informed me that most of the construction & demolition debris was taken to Sidwell's licensed construction & demolition debris landfill in Zanesville and most of the clean hard fill and sub soil was taken to the Cambridge property. I later confirmed that 1,980 cubic yards of material was taken by your company to Sidwell's. I advised your foreman it was illegal to dispose of construction & demolition debris at the Cambridge property and he agreed to remove the illegal waste. Please call me once this is complete and before it is covered so I may observe if the construction & demolition debris has been removed. You should also send copies of your receipts so I may verify that the wastes were properly disposed of. I have included information regarding what is defined as clean hard fill. Any material meeting this definition and the soil may be left in place as it is considered to be legitimate fill material.

Mr. Kendrick, you should also be aware that you were required to provide a written notice of intent to fill to the licensing authority, in this case Ohio EPA, at least seven days prior to beginning filling. Failure to provide the Notice of Intent to Fill to the appropriate licensing authority prior to filling may result in the person engaged in filling being charged with a fourth degree misdemeanor. Please provide this notice in the future.

Failing to provide a notice of intent to fill with clean hard fill and open dumping or illegal disposal of construction & demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

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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.

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.

All solid waste and construction & demolition debris must be removed from the site and taken to a licensed facility for proper disposal. Should you have questions concerning this letter, please contact me at (740) 380-5420.

Sincerely,



Brian Queen, R.S.

Environmental Specialist

Division of Materials and Waste Management

BQ/jg

cc: Randy Shepard, Guernsey County Health Department
Larry Kotoff, 67817 Old 21 Road, Cambridge, Ohio 43725