



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

November 24, 2008

**RE: LAWRENCE COUNTY
SITE - GENERAL
30000669**

Mr. Tracy Ellis
1830 County Road 32
Chesapeake, Ohio 45619

Dear Mr. Ellis:

The Southeast District Office of the Ohio EPA has received a complaint that illegal disposal of demolition debris is occurring on property adjacent to County Road 32, past Sky Lake, in Chesapeake, Lawrence County, Ohio.

I conducted an inspection of the property on November 18, 2008, and observed demolition debris and "clean hard fill" (concrete and block) on the property. This disposal is located in the flood plain of Symmes Creek. Property records obtained from the Lawrence County Court House indicate that you are the property owner.

I spoke with you on the telephone about this issue on November 21, 2008. In the future, if you choose to use "clean hard fill" 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, please provide a "Notice of Intent to Fill".

Ohio Administrative Code (OAC) 3745-400-05: 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. The "Notice of Intent to Fill" shall state the nature of the fill material, the site(s) to be filled, when the filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Ohio Revised Code.

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

Presently, you are in violation of the above referenced rules.

Illegal disposal of demolition debris must cease immediately. All demolition debris disposed at the described location must be removed from the property and taken to a licensed solid waste or demolition debris landfill for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office within 15 days in order to document your compliance.

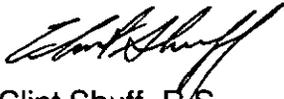
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I suggest that you also contact the local authorities to see if there is local zoning. You informed me that you contacted Joe Black with the Lawrence County Flood Plain Management District.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

cc: Lawrence County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District
cc: Joe Black, Lawrence County Flood Plain Management, 5459 State Route 217, P.O.
Box 144 Willow Wood, Ohio 45696