OhioEPA

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

June 18, 2007

RE: LAWRENCE COUNTY
SITE - GEN
20070252

Mr. Gary Riley
9069 State Route 7
Proctorville, Ohio 45669

Dear Mr. Riley:

The Southeast District Office of the Ohio EPA has received a complaint that open dumping of demolition debris is occurring on property behind the Proctorville Flea Market in Proctorville, Lawrence County, Ohio.

I conducted an inspection of the site on June 7, 2007, and observed that a contractor is dumping "clean hard fill" behind the Proctorville Flea Market on your property. I did observe some demolition debris mixed in with the "clean hard fill." This would include some wood waste.

Illegal disposal of demolition debris is a violation of Chapter 3714 of the Ohio Revised Code (ORC) and Chapter 3745-400 of the Ohio Administrative Code (OAC).

Specifically:

> OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.
>
> OAC 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 grade on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to the licensing authority where the clean 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 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 Revised Code.

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 facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office in order to document your compliance. Please respond to this District Office within ten days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump.

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/cb

cc: Lawrence County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District