



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

December 10, 2009

**RE: LAWRENCE COUNTY  
SITE - BIOMASS ENERGY**

Biomass Energy, LLC  
Attn.: Mr. Mark Harris, President, Biomass  
Avenue of Champions  
Nicholasville, KY 40356

Dear Mr. Harris:

On November 3, 2009, I conducted an inspection of the Biomass property located in South Point, Lawrence County. The purpose of my inspection was to evaluate compliance with the Consent Orders issued by the Lawrence County Common Pleas Court on December 27, 2006, and to determine if all of the coke waste has been removed.

During this inspection, I observed that all of the coke waste was removed from the bunker building. On November 30, 2009, I received information from Larry Camp, Biomass Supervisor, where 115 tons of waste was transported and disposed of at Green Valley landfill in Kentucky on October 23, 2009.

The Consent Orders required that all waste be removed by May 30, 2007. Between July of 2007 and October of 2009, 13,373 tons of waste was taken to the Maysville, Kentucky Landfill during the month of July in 2007. Eagle Construction removed 27,096 tons of waste taken to Big Run Landfill in Kentucky during the month of December in 2008 and February 2009. Biomass removed 1,750 tons of waste to Big Run Landfill in May of 2009 and 24,297 tons of waste to Big Sandy Resources in August of 2009. The remainder of waste, which was 115 tons, was taken to Green Valley Landfill on October 23, 2009. This is a total of 66,631 tons of waste removed from the Biomass bunker building. Based on my observations and the disposal receipts provided, it appears that all waste was removed by October 23, 2009.

Should you have any questions, please contact me at (740) 380-5246 or Steve Rine at (740) 380-5213.

Sincerely,

Clint Shuff, P.E.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CAS/jg

cc: Cindy Charles, Portsmouth Local Air Authority  
cc: Kevin O'Hara, Division of Emergency and Remedial Response, SEDO  
cc: Lawrence County Health Department  
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District  
cc: Barry Chapman, OEPA, DSIWM, CO  
cc: Michael Wood, OEPA, CO  
cc: Robert Eubanks, Office of the Ohio Attorney General  
cc: Anthony Giuliani, Vorys, Sater, Seymour, and Pease LLP, 52 East Gay St. P.O. Box 1008, Columbus, Ohio 43216-1008