



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

January 29, 2010

**RE: MUSKINGUM COUNTY
SITE - BURLEY CLAY**

Burley Clay Products
Attn.: Peter Petratsas
455 Gordon Street
Roseville, Ohio 43777

Dear Mr. Petratsas:

On December 24, 2009, Ohio EPA Southeast District Office received a response letter from Christopher Ward, from Calfee, Halter and Griswold LLP, regarding current waste material handling practices at the Burley Clay Products facility in Roseville, Ohio. The purpose of this response was to address violations of open dumping that were resulting from the waste handling practices at the facility. After reviewing this letter and the new waste handling practices enacted by Burley Clay Products and ACCCO, it appears that no new waste is being added to the historic fill area behind the facility's warehouse.

However, the historic fill area is still considered open dumping of a solid waste.

Burley Clay Products and ACCCO remain in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) 3745-27-05(C).

ORC 3734.03 states in part:

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

OAC 3745-27-05(C) states:

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping.

Please respond to this correspondence within 14 days of receipt. Your response should include details of your actions taken to deal with the historic open dumpsite on your property.

If you have any questions, please feel free to contact me at this office. You can reach me either by mail or by calling me at (740) 380-5443.

Sincerely,

Trevor L. Irwin, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

TLI/jg

cc: Klemn Ungemach, ACCCO
451 Gordon Street
Roseville, Ohio 43777