



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

September 28, 2010

**RE: MUSKINGUM COUNTY
FAC - JAMES BROTHERS C&DD FACILITY**

James Brothers, Inc.
c/o Daniel G. James
3000 Dillion School Drive
P.O. Box 1420
Zanesville, Ohio 43702-1420

Daniel James
3805 Millers Lane
Duncan Falls, Ohio 43734

Glen James & Sons, Inc.
c/o Daniel G. James
3000 Dillion School Drive
P.O. Box 1420
Zanesville, Ohio 43702-1420

Dear Mr. James:

On September 22, 2010, I conducted an inspection of the James Brothers Construction and Demolition Debris (C&DD) disposal facility, located at 3935 Boggs Road, Zanesville, Ohio. The purpose of my inspection was to determine your compliance with the Director's Final Findings and Orders (DFFOs), effective December 30, 2004. The results of this inspection were forwarded to your attention in a letter, inadvertently dated May 3, 2009. The date of this letter should have been May 3, 2010.

Also during the September 22, 2010, inspection, tire shreds were observed on the property. These tire shreds had been brought on the property for the proposed construction of an expansion area for the disposal facility. Since the disposal facility is no longer in operation, these tire shreds cannot be used for facility construction and must be removed for proper disposal or recycling as solid wastes. The disposition of these tire shreds is in violation of Ohio's laws and regulations regarding the open dumping of solid wastes.

You are 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.

MUSKINGUM COUNTY
FAC - JAMES BROTHERS C&DD FACILITY
SEPTEMBER 28, 2010
PAGE 2

The tire shreds must be removed from the above-mentioned property and disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office for proof of disposal.

Please respond to this correspondence within 14 days of receipt. Your response should include details of your actions taken to properly dispose or recycle the current waste on your property.

Should you have any questions, please contact me at (740) 380-5443.

Sincerely,

A handwritten signature in black ink, appearing to read "Trevor L. Irwin". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

TI/jg

cc: Muskingum County Health Commissioner
Matt Boyer, CO, DSIWM
Jeff Hurdley, Legal
Nicholas J. Bryan, AGO