



State of Ohio Environmental Protection Agency

Southeast District Office

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

March 31, 2008

**RE: MUSKINGUM COUNTY
FAC - SIDWELL C&DD FACILITY**

Mr. A.J. Sidwell
Sidwell Materials, Inc.
4620 Limestone Valley Road
White Cottage, Ohio 43791

Dear Mr. Sidwell:

As you recall, on February 5, 2008, I conducted an inspection of Sidwell Materials, Inc. Construction and Demolition Debris (C&DD) Disposal Facility. I was accompanied during my inspection by Steve Rine, Dave Chenault and Dale Warner, also with Ohio EPA's Division of Solid and Infectious Waste Management (DSIWM). At the time of this inspection, violations of OAC Rule 3745-400-11 were observed. The following is a summary of my observations during my February 5, 2008, inspection, as well as, an inspection I conducted on March 25, 2008:

1. OAC Rule 3745-400-11(F)(2) states that the owner or operator shall not dispose of any solid wastes except as follows:
 - (a) Packaging which results from the use of construction materials may be disposed of if it is incidental to the load. A load of packaging materials cannot be disposed of at a construction and demolition debris facility because the packaging is not incidental to the load.

At the time of my February 5, 2008, inspection, I observed a load of material deposited in the unloading zone that appeared to consist mostly of packaging materials and other solid wastes. During our February 19, 2008, telephone conversation, we discussed this load of packaging material. You explained that each load of material deposited in the unloading zone is marked with a number, using spray paint that identifies each load to the customer who deposited it.

Subsequent to our February 19, 2008, telephone conversation, I received from you a letter dated February 20, 2008, explaining that upon further inspection of this load in the unloading zone, Sidwell identified this material as originating from Tri-Valley Elementary School. This material was then removed from the unloading zone, placed in a 40 yard roll-off container and properly disposed of as solid waste at the Tunnel Hill Landfill.

During my March 25, 2008, inspection of your C&DD facility, it appeared that you are now in compliance with OAC Rule 3745-400-11(F)(2).

2. OAC Rule 3745-400-11(H)(2) states that the owner or operator shall operate the facility in a manner that prevents fires by covering all disposed combustible debris on a weekly basis with soil, clean hard fill, or other material which is noncombustible. For the purpose of this rule, covering means to apply noncombustible material in a manner such that combustible debris is not visible.

At the time of my February 5, 2008, inspection, a large portion of the areas previously used for debris disposal did not have adequate weekly cover, as evidenced by the large volume of exposed combustible debris. This constituted a violation of OAC Rule 3745-400-11(H)(2).

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During my March 25, 2008, inspection, it appeared that the areas mentioned above had been covered with approximately one foot of noncombustible material in a manner such that combustible debris was not visible. Therefore, at the time of my March 25, 2008, inspection you were in compliance with OAC Rule 3745-400-11(H)(2).

3. OAC Rule 3745-400-11(L) states that the owner or operator shall employ all reasonable measures to collect, properly contain, and dispose of scattered litter at the active licensed disposal area of a facility, including frequent policing of the area and the use of portable wind screens where necessary.

At the time of my February 5, 2008, inspection, I observed a significant amount of litter outside of the active licensed disposal area (ALDA). You stated during our February 19, 2008, telephone conversation that the scattered litter was collected and removed on February 6, 2008.

During my March 25, 2008, inspection, no scattered litter was observed and it appeared that wind screening has been erected along the portions of the ALDA that are susceptible to blowing litter. Therefore, at the time of my March 25, 2008, inspection you were in compliance with OAC Rule 3745-400-11(L).

All other operational aspects of the Facility appeared to be in substantial compliance with OAC Rule 3745-400-11. Should you have any questions regarding this inspection or any operational issues, please contact me at (740) 380-5408.

Sincerely,



Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Southeast District Office
Ohio Environmental Protection Agency

RM/jg

cc: Muskingum County Health Commissioner

