



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

October 24, 2008

**RE: SCIOTO COUNTY.  
NEW BOSTON COKE  
NOTICE OF VIOLATION**

Mr. Paul or Darin Dillow  
Total Safety  
7394 County Road 1  
South Point, Ohio 45680

Dear Mr. Dillow:

On September 23, 2008, I conducted an inspection of the New Boston Coke property located in New Boston, Ohio. I observed that solid waste, demolition debris, and clean hard fill still exists on the property. During my recent site visits, I have not observed that any of the wastes have been removed.

Total Safety is the contractor that conducted the demolition of the buildings located at the New Boston Coke property. I first observed the demolition of the buildings in April of 2007 and continuing through October of 2007.

On September 23, 2008, I observed that debris from buildings razed by Total Safety is still located on the property. I also observed areas where demolition debris has been mixed with coke waste, an industrial solid waste. This includes areas south and east of the standing coke oven, and south of the maintenance building. Some of the demolition debris and "clean hard fill" brick, block, and cement has been mixed with the coal tar in the tar pits/sumps. Now that this material has been mixed with coal tar, it is a listed hazardous waste and must be managed as a hazardous waste.

Demolition debris from structures is also located north of the coke ovens. Wood waste and railroad ties, and demolition debris mixed with industrial solid waste is also located to the west of the coke ovens.

I observed two areas where "clean hard fill" from the demolition of the coal storage building and the light oil building still remains. The concrete and block which is considered a "clean hard fill" must be provided proper disposal or reuse in accordance with OAC Rule 3745-400-05. Clean hard fill may be stored for up to two years, but must be removed within that time period, or it is considered illegal disposal of construction and demolition debris OAC Rule 3745-400-05(B). My understanding is that the coal storage building was razed on August 29, 2007, and the light oil building was razed on October 2, 2007. However, this waste concrete material appears to be abandoned rather than stored.

I also observed insulation in the tank farm area to the west of the property. This insulation was removed from piping at this site by Southern Ohio Salvage & Contracting. Total Safety and Southern Ohio Salvage & Contracting are responsible for proper disposal of this material.

The demolition debris that was generated by Total Safety from the razing of the structures, and the industrial solid waste that was generated by Total Safety must be disposed by Total Safety. The piles of mixed solid industrial waste that were bulldozed and piled up

SCIOTO COUNTY  
NEW BOSTON COKE  
APRIL 9, 2007  
PAGE 2

with the demolition debris that you created during the razing of the structures must be removed and disposed of at a licensed solid waste landfill. Total Safety is in violation of Ohio's solid waste and demolition debris rules.

Open dumping of solid waste and illegal disposal of demolition debris are violations of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Specifically:

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

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734, of the Revised Code, and shall submit verification that the solid waste has been properly managed.

OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Please respond to this letter within ten (10) days detailing your intentions and actions taken to abate the above noted violations and provide for proper management and disposal of these waste materials.

Compliance with the requirements outlined in the letter, or the solid and infectious waste provisions contained on ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his or her 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/jg

cc: Mike Trapp, Scioto County Health Department  
cc: Donna Goodman, DHWM, SEDO  
cc: Chris Osborne, DERR, SEDO  
cc: Louis Boerger, Portsmouth Local Air Authority  
cc: Joe Kirby, Receiver for the Court of Common Pleas