



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

July 9, 2008

**RE: SCIOTO COUNTY
SITE - GEN
30000354**

Mr. Howard Riddlebarger
R Buck LLC
303 Indian Drive
Portsmouth, Ohio 45662

Dear Mr. Riddlebarger:

The Southeast District Office of Ohio EPA received a complaint that open dumping of demolition debris and solid waste is occurring off of Pleasant Avenue in Portsmouth, Scioto County, Ohio. This would be on property owned by R. Buck LLC.

I conducted an investigation of the property on July 1, 2008, and observed demolition debris (roofing shingles, wood studs, ply wood, cabinets, plastic packaging, and solid waste) dumped on this property in several different places. Property records obtained from the Scioto County Court House indicates that this property belongs to you. I observed where you have signs on your property indicating that you do want "clean hard fill" to place on your property.

Open dumping of solid waste and demolition debris is a violation of Chapter 3734 and 3714 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.

ORC 3714.06(A) No person shall establish operate or maintain a construction debris facility without an annual construction and demolition debris facility operation license from the director of environmental protection.

R. Buck LLC is not a licensed demolition debris landfill.

OAC Rule 3745-37-01(C) No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority.

R. Buck LLC is not a licensed demolition debris landfill.

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

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OAC Rule 3745-400-05(C) - The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to consistent grade or a site other than the site of generation, shall provide written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed. The "Notice of Intent to Fill" shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code.

OEPA did not receive a Notice of Intent to Fill on the "clean hard fill" which includes asphalt, concrete, brick, block or clay tile that has been placed on the property.

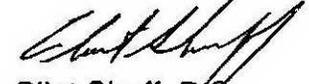
Open dumping of solid waste and demolition debris must cease immediately. All solid wastes and demolition debris disposed at the described location must be removed from the property, and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office in order to document your compliance. Please respond to this District Office within ten days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump. I suggest that you monitor the clean hard fill that comes onto your property.

The disposal facility located nearest to you is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. You may choose to use other permitted and licensed facilities as well.

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.

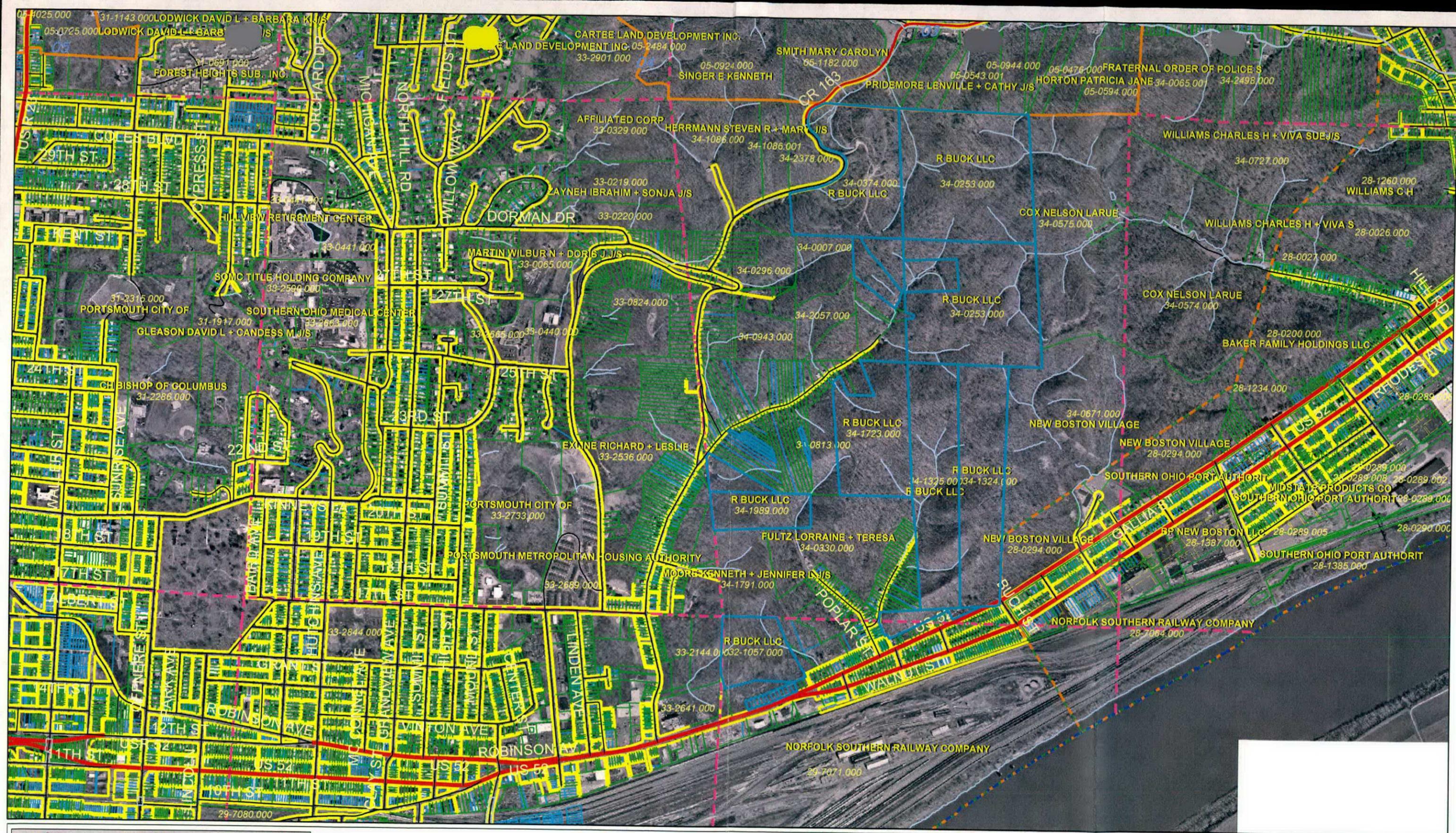
Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

cc: Mike Trapp, Scioto County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District



State	Schools	Non-Parcel ROW
County	Subdivisions	Vacated ROW
Township	R.O.W.	Original Lot
Section	RR ROW	Easement
VMS	Parcel	Land Hook
French Grant Lot		


 Orthophotos compiled from aerial
 photographs taken March 1999.

Scioto County Tax Map

Craig J. Opperman, P.E., P.S.
 Scioto County Engineer



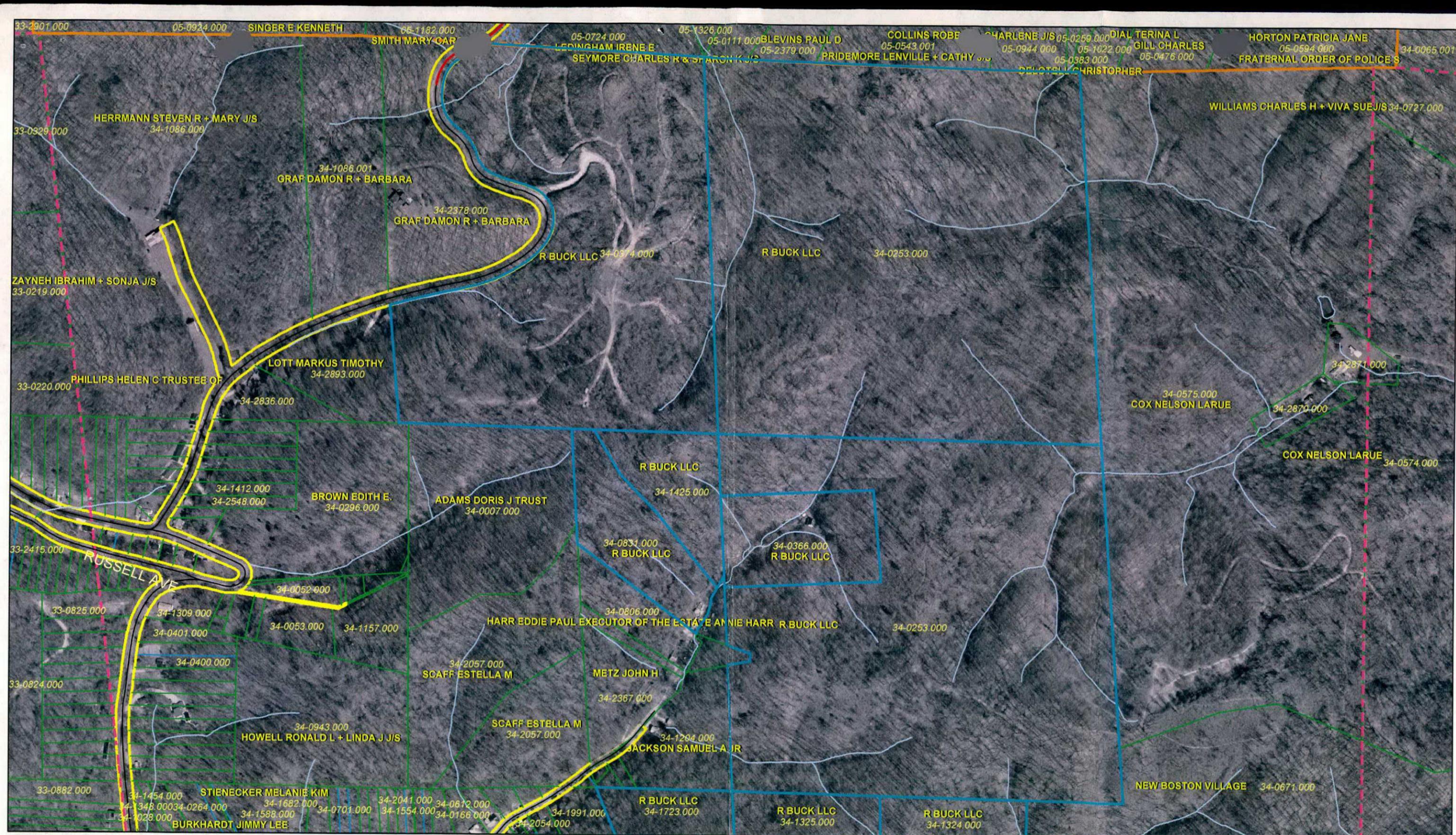
Courthouse - Room 106
 602 Seventh Street
 Portsmouth, Ohio 45662
 (740) 355-8265

Disclaimer:
 This plot is not a legal document.
 It is intended for reference
 purposes only.

01-Jul-08

1 inch equals 984 feet





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01-Jul-08

1 inch equals 340 feet

