



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

December 11, 2008

**RE: SCIOTO COUNTY
SITE - GEN
30000682**

Mr. Todd Dunn
1220 16th Street
West Portsmouth, Ohio 45662

Dear Mr. Dunn:

The Southeast District Office of Ohio EPA received a complaint that open dumping of demolition debris is occurring on your property in West Portsmouth, Scioto County, Ohio.

I conducted an investigation of your property on December 2, 2008, and observed demolition debris disposed on your property over the side of your driveway and down the hill. I met with you on this day to discuss the illegal disposal of demolition debris. You stated that you have a home improvement business and that you are using the demolition debris to stabilize the bank by your driveway.

We also discussed the wood chips that you have on your property that have been dumped over the side of the hill. Wood chips may be used as mulch, soil amendment or for livestock bedding as you suggested. Wood chips may not be disposed of over the side of the hill. Wood chips that are generated by a tree service are considered a solid waste. Wood chips are not a suitable material to stabilize a steep bank.

Illegal disposal of 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:

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

You are in violation of the above referenced rule.

Illegal disposal of demolition debris must cease immediately. All demolition debris disposed at the described location must be removed from the property, and taken to a licensed solid waste or demolition debris 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 10 days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump. I suggest that you obtain the services of a registered waste hauler.

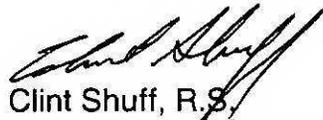
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The disposal facility located nearest to you is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. You may choose to use other permitted and 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
cc: Cindy Charles, Portsmouth Local Air Authority