



State of Ohio Environmental Protection Agency

Southeast District Office

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

March 29, 2010

**RE: SCIOTO COUNTY
GENERAL**

Solid Rock Construction
Attention: Bill Whitaker
1350 Galena Pike
West Portsmouth, Ohio 45663

Dear Mr. Whitaker:

I am in receipt of a letter that was received by this Agency on March 18, 2010, from your business. This letter concerns clean hard fill from the New Boston Coke Plant being transported to the Lawrence Ricer property in Sciotoville, Ohio. You provided me with a "Notice of Intent to Fill" the clean hard fill as required in Ohio Administrative Code (OAC) 3745-400-05(C) after the fact. Your business did provide the Agency with a storm water "Notice of Intent" which is different than a "Notice of Intent" to fill with clean hard fill.

On March 10, 2010, I inspected the Lawrence Ricer property and observed four loads of clean hard fill (concrete) mixed with coke waste and coke breeze, a solid waste, dumped at the property along the Ohio River. I met with your supervisor Floyd Book on this day to discuss the issue and he informed me that he would immediately remove the contaminated loads from the Ricer property.

On March 12, 2010, I revisited the Ricer property and observed that the mixed waste loads were removed. I met with Floyd Book this day and he stated the loads of mixed waste and clean hard fill were taken back to New Boston Coke to be transported to Pike Sanitation for disposal.

"Clean Hard Fill" by definition of (OAC) 3745-400-01, consists of concrete, block, brick, clay tile and asphalt must not be mixed with other wastes or debris to be considered clean.

Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

Specifically:

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

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OAC Section 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 Section 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 a consistent grade, on a site other than the site of generation, shall provide a 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 sites to be filled, when the 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 Ohio Revised Code.

During the period of at least March 10, 2010, to March 11, 2010, Solid Rock Construction was in violation of the above noted rules.

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/cb

cc: Mike Trapp, Scioto County Health Department
Chris Osborne, DERR, SEDO