



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

**Re: Lot 5 and Lot 6 Wynnscape Drive
OHR000152140
Lucas County
DHWM, NWDO
Complaint 2500
Return to Compliance**

March 10, 2010

Mr. Mike Bihn
Bihn Excavating
221 North Lallendorf Road
Oregon, Ohio 43616

Dear Mr. Bihn:

Thank you for delivering the documentation in response to the Ohio Environmental Protection Agency's (Ohio EPA's) Notices of Violation (NOVs) dated June 4, 2008, July 11, 2008, and February 2, 2010. The documentation was received by Ohio EPA on March 4, 2010. The documentation submitted includes the original copy of Ohio EPA's February 2, 2010, NOV, analytical results from Ohio EPA's sampling of the soil pile, a Wood County Sanitary Landfill receipt #368983, and photographs of the removal of the soil pile. Ohio EPA has made copies of these documents and is returning them with this letter since some of the documents were original copies. Ohio EPA suggests that these records be kept for future reference.

After reviewing the submitted documentation, Lot 5 and Lot 6 will remain a non generator of hazardous waste, used oil, and universal waste lamps.

My review of the documentation reveals that all violations discovered during the December 17, 2007, complaint investigation have been abated as listed below:

Violation:

1. Ohio Administrative Code (OAC) Rule 3745-52-11, Hazardous Waste

Determination: "Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste..."

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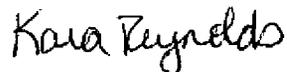
On March 4, 2010, Ohio EPA received documentation that the waste soil pile was properly disposed at the Wood County Sanitary Landfill. Ohio EPA also received photographs of the waste pile area after the pile was removed.

Therefore, this violation is considered abated on March 4, 2010.

Ohio EPA would like to remind you that all wastes generated on-site or by you or your business need to be properly evaluated prior to disposal. For more information on waste evaluation the following fact sheets have been enclosed: Identifying Your Hazardous Waste, dated November 2006; and Use of Generator Knowledge In Complying with OAC rule 3745-52-11 Hazardous Waste Evaluation, dated July 18, 2005.

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065.

Sincerely,



Kara Reynolds
Environmental Specialist
Division of Hazardous Waste Management

//lr

Enclosures

pc: Colleen Weaver, DHWM, NWDO
Kara Reynolds, DHWM, NWDO
Cindy Lohrbach, DHWM, NWDO
DHWM, NWDO Lucas County File: Bihn Excavating.

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.