



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  
Lucas County  
DHWM, NWDO  
Complaint 2500  
Third Notice of Violation**

February 2, 2010

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

Dear Mr. Bihn:

On December 2, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted a sampling event at Lot 5 (4901 Wynnscape Drive) and Lot 6 (4857 Wynnscape Drive), Oregon, Ohio. This sampling event was conducted by Ohio EPA after Bihn Excavating (BE) failed to respond to Ohio EPA's previous Notices of Violations (NOVs) dated June 4, 2008, and July 11, 2008. This sampling event was conducted to determine if waste from a spill of unknown material was hazardous waste.

On January 6, 2010, Ohio EPA received analytical results from Alpha Omega Environmental Laboratory (AO). These results show that all samples taken on December 2, 2009, are non-hazardous. A copy of these results has been enclosed for your records.

The following describes the outstanding violation and what must be done to correct the violation. In order to abate the outstanding violation, BE must properly dispose of the waste pile as described below.

- 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..."

**On December 2, 2009, Ohio EPA sampled the waste pile located on Lot 5 and Lot 6 Wynnscape Road. On January 6, 2010, Ohio EPA received analytical results from AO. These results show that the waste from the spill of unknown material is non-hazardous waste.**

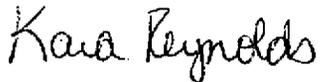


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**In order to abate this violation, BE must properly dispose of this waste in a solid waste landfill. Within 30 days of receipt of this letter, BE must submit to Ohio EPA a bill of lading, receipt, and other disposal papers from the landfill showing that the waste pile was properly disposed. BE must also submit photographs of the waste pile area after the pile has been removed, within 30 days of receipt of this letter.**

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3065. Please send all requested information to Ohio EPA, Northwest District Office, Attn: Kara Reynolds, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Sincerely,



Kara Reynolds  
Environmental Specialist  
Division of Hazardous Waste Management

/llr

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.