



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Complaint #07-49
Huron Co.

August 17, 2007

Certified Mail

Mr. S.K. Cooke
151 Miner Rd.
New London, OH. 44851

Dear Mr. Cooke:

On August 2, 2007, the Ohio Environmental Protection Agency (Ohio EPA) received a complaint regarding disposal of demolished buildings on property you own. The parcel number for the property is 25 0040 01 026 0000, and the property is located at 4934 Townline Rd. 187, New London OH.

On August 15, 2007, I conducted an inspection of the above referenced property. You accompanied me on the inspection. I observed a driveway that is used for access in and out of your farm fields. In this driveway you had placed construction and demolition debris as a road base. A large portion of the construction and demolition debris is considered clean hard fill. Clean hard fill as defined in Ohio Administrative Code (OAC) Rule 3745-400-01(E) (in pertinent part):

"Construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material..."

In the road base, also visible was a large amount of wood debris that you stated came from one of your demolition projects. Several pipes, and aluminum siding were also visible in the road base. The wood debris, pipes, and aluminum siding is considered construction and demolition debris. Construction and demolition debris as defined in OAC Rule 3745-400-01(F) (in pertinent part):

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. . . .

For the purpose of this definition, "materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure," are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing

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fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. . . .

The disposal of the wood debris, pipes, and siding in the road base on your property is considered illegal disposal of C&DD, as defined in OAC 3745-400-01(S):

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility operated in accordance with Chapter 3714. of the Revised Code, and Chapters 3745-400 and 3745-37 of the Administrative Code, a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code, and licensed in accordance with Chapter 3745-37 of the Administrative Code, or as otherwise authorized by this Chapter.

The owner/operator of this site is in violation of the following rules and laws:

1. OAC 3745-400-04(B):
No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.
2. ORC § 3714.13(B):
No person shall violate a rule adopted under this chapter.

All non-clean hard fill material disposed at this site must be removed and properly disposed at a licensed waste facility. These violations will continue until all waste material is removed and properly disposed. As we discussed during the inspection, all following conditions must be met:

- All non clean hard fill material must be removed as soon as possible. You stated that it would be removed within 30 days.
- All disposal receipts for the disposal of any construction and demolition debris shall be forwarded to me at the address below
- Notification must given to me (419-373-3078) after all non clean hard fill material has been removed for final inspection to determine compliance

Ohio EPA - NWDO
Attn: Tyler Madeker
347 N. Dunbridge Road
Bowling Green, Ohio 43402

Lists of licensed C&DD and solid waste facilities in Ohio are included for your convenience.

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In addition, OAC Rule 3745-400-05(C) states:

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 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. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification.

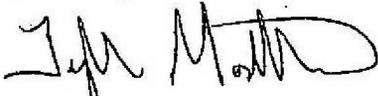
No Notice of Intent to Fill was received before filling began on your property.

3. The owner/operator is in violation of OAC Rule 3745-400-05(C) for failing to provide Notice of Intent to Fill as required.

To resolve this violation, complete the enclosed form and return it to my attention at the address above.

If you have any questions, please contact me at (419) 373-3078.

Sincerely,



Tyler Madeker, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

enclosure

pc: ~~File: Ottawa County, Dump Sites~~
7006 0100 0003 7708 3295

ec: Tyler Madeker, DSIWM, NWDO

DSLWM-TM

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1; 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>X Michael Furdak</i></p> <p>B. Received by (Printed Name) <i>Michael Fridenstein</i></p> <p>C. Date of Delivery <i>8-21-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><i>Mr. S.K. Cooke</i> <i>151 Muner Rd</i> <i>New London Oh</i> <i>44851</i></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 0100 0003 7708 3295</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

DSLWM-TM

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CERTIFIED MAIL™ RECEIPT
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RECEIVED
 Ohio EPA
 AUG 20 2007
 Postmark Here
 USPS

Sent To
Mr. S.K. Cooke
 Street, Apt. No.,
 or PO Box No. *151 Muner Rd*
 City, State, ZIP+4 *New London Oh 44851*

PS Form 3800, June 2002 See Reverse for Instructions

7006 0100 0003 7708 3295