



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402

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

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

**Re: Complaint #06-20
Ottawa County**

January 23, 2007

CERTIFIED MAIL

Mr. Gene R. Biroth
1275 West Country Club Drive
Angola, Indiana 46703

Dear Mr. Biroth:

On November 8 and December 27, 2006, I, representing the Ohio Environmental Protection Agency (Ohio EPA), reinspected property you own at 23043 West Curtice Road, Curtice, Allen Township, Ottawa County, Ohio (property) to verify removal of construction and demolition debris illegally disposed in a former pond on the property. Mr. Dean Kesling accompanied me during the November 8, 2006, portion of the reinspection. Tyler Madeker of Ohio EPA was present during the December 27, 2006, portion of the inspection.

On November 8, 2006, it was found that the shingles and other materials that were not acceptable for use as fill had been removed from the northwest corner of the former pond. Mr. Kesling provided a receipt from Evergreen Recycling and Disposal Facility, a licensed solid waste disposal facility, that documented disposal of 3.42 tons of material. In addition, Mr. Kesling provided a completed notice of intent to fill form that documented the clean hard fill materials that had been used to fill the former pond. I told Mr. Kesling that the soil stockpiled on site could be used to cover the remaining exposed clean hard fill as all unacceptable material had been removed from the open area. He stated that he would do so.

Remaining on site in the southeast corner of the property was two piles of woody debris that Mr. Kesling stated were from a tree trimming company. I informed Mr. Kesling that this material would not be acceptable for use as fill. He stated that he would contact the company and instruct them to remove it.

During the December 27, 2006, portion of the reinspection, it was found that the woody debris remains on site.

Mr. Gene R. Biroth
January 23, 2007
Page 2

On January 11, 2007, I spoke with you via the telephone to discuss the property. You stated that the contractor had been unable to access the piles due to the recent wet and muddy conditions but that the woody debris would be removed when the ground freezes and access to the piles is possible.

Please contact me for a reinspection when the piles have been removed. Please be advised that violations of Ohio Administrative Code Rule 3745-27-05(C) and Ohio Revised Code Section 3734.03 will continue until the material is removed and properly managed.

If you have any questions, please contact me at (419) 373-3049.

Sincerely,



Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/llr

pc: Scott Young, Ottawa County Health Department
Allen Township Zoning
DSIWM-NWDO File: Ottawa County, Dump Sites

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. 	A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: <i>MR. LENE R. BIROTH</i> <i>1275 W. Country Club Drive</i> <i>ANGOLA, INDIANA</i> <i>46703</i>	B. Received by (Printed Name) <i>GENE BIROTH JR</i> C. Date of Delivery <i>1/27/07</i>
7005 1160 0002 4566 0580	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" 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.
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