



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: C&DD Dump Site
State Route 81 Driveway
Hardin County

January 11, 2011

Mr. Daven Stedke
Hume Supply Inc.
1359 Hanthorn Road
Lima, Ohio 45804

Dear Mr. Stedke:

On November 30, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of a property located approximately five miles east of Dunkirk, Ohio, on State Route 81, owned by Ms. Karen Bryant. Ohio EPA was called out to the property as a result of a complaint this office received about possible illegal disposal of construction and demolition debris (C&DD) at the property. The property is identified as parcel # 200500090000 according to the Hardin County Auditor's Office. Also present during my site visit were Mr. C.T. Bryant and Ms. Karen Bryant. During this inspection, I observed a lane back to a barn that had been constructed of C&DD. The lane was composed mainly of bricks and blocks, commonly referred to as clean hard fill (CHF). However, there were additional amounts of non-CHF material mixed in with the CHF; such as conduit, pipe, electrical fixtures, wood, and construction hardware. The lane was approximately one-half mile in length.

Through conversation with the property owner it appears as the material was brought to the property from a school demolition project in Dunkirk, Ohio, conducted by your company, Hume Supply Inc. Through an apparent agreement between the property owner and yourself, you were granted permission to bring the CHF material out to the property with the purpose of building a base for a driveway back to a barn.

Please be informed that there are state laws and rules that govern disposal of construction and demolition debris at any location other than a licensed disposal facility.

Construction and demolition debris is defined in Ohio Administrative Code (OAC) Rule 3745-400-01(F) as (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 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. . . .

Clean hard fill is defined in OAC Rule 3745-400-01(E) as:

"Clean hard fill" means 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. Brick in clean hard fill includes but is not limited to refractory brick and mortar. Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.

The placement of C&DD on the ground at this property is a violation of the following rules and laws:

1. OAC 3745-37-01(C) (in pertinent part):
No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority . . .
2. Ohio Revised Code (ORC) § 3714.06(A) (in pertinent part):
No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license. . .
3. 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.

Illegal Disposal is defined in OAC 3745-400-01(S) as:

"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.

4. OAC Rule 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 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.

5. ORC § 3714.13(A):

No person shall violate any section of this chapter.

6. ORC § 3714.13(B):

No person shall violate a rule adopted under this chapter.

A violation of the above rules and laws for establishing a construction and demolition debris facility without the necessary permits and licenses, for conducting or allowing the illegal disposal of construction and demolition debris, and for failure to submit a notice of intent to fill has occurred. These violations will continue until all C&DD illegally disposed at this site is removed and properly disposed at a solid waste or C&DD facility. A notice of intent to fill must also be submitted to Ohio EPA. A template notice of intent to fill form has been included with this letter for you to complete and remit to Ohio EPA.

Please respond in writing within 14 days from receipt of this letter. Your response shall include a complete schedule for the removal of non-CHF from the property for proper disposal. Please note that copies of disposal facility receipts must be submitted to Ohio EPA in order to document proper disposal.

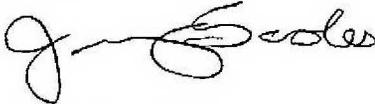
Mr. Daven Stedke
January 11, 2011
Page 4

Please submit this response and documentation to:

Ohio EPA - NWDO
Attn: Jeremy Scoles
347 N. Dunbridge Road
Bowling Green, Ohio 43402

If you have any questions regarding proper disposal of this material, please contact me at (419) 373-3049. Failure to address these violations may result in escalated enforcement.

Sincerely,



Jeremy Scoles, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

/lr

Attachment

pc: Ms. Karen Bryant

DSIWM-NWDO:File:Hardin County, Dump Sites