



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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

April 26, 2007

**RE: ATHENS COUNTY
FAC-ATHENS-HOCKING
RECLAMATION CENTER
COM**

Edward Kilbarger
Kilbarger Construction, Inc.
P.O. Box 946
Logan, Ohio 43138

Dear Mr. Kilbarger:

The Southeast District Office, Division of Solid and Infectious Waste Management (DSIWM), was notified on March 29, 2007, by the Division of Hazardous Waste Management (DHWM) that hazardous waste generated by Gem Coatings of Athens, Ohio was transported to your facility by Trace Sanitation of Trimble, Ohio and that Athens-Hocking Reclamation Center (AHRC), owned and operated by Kilbarger Construction, Inc., had accepted and disposed of a listed hazardous waste.

Gem Coatings operates a sandblasting and painting operation near The Plains and produces paint waste and spent sandblast waste. DHWM found listed hazardous paint waste in and around the facility. Gem Coatings disposed of some of this waste in an on-site dumpster that was collected and transported for disposal to the landfill.

Based on the acceptance of hazardous waste, AHRC is in violation of the following Ohio Administrative Code (OAC) rules:

OAC Rule 3745-27-19(E)(8)(c): Disposal Restrictions

The owner or operator shall not accept for disposal materials that are defined as hazardous wastes pursuant to rule 3745-51-03 of the OAC. By accepting and disposing of hazardous waste in the landfill, Kilbarger Construction, Inc., is in violation of this rule.

OAC Rule 3745-27-19(B)(1): Compliance

The owner or operator of a sanitary landfill shall conduct all operations in strict compliance with the terms and conditions of the solid waste disposal license issued for the facility. The Conditions of Licensure for the facility states that the landfill shall comply with all applicable requirements of Ohio Revised Code Chapters 3734., 3767., 6111. and 3704. In addition, it states that the facility shall comply with all applicable Ohio Administrative Code Chapters 3745-27, 3745-28, 3745-29, 3745-30, 3745-31, and 3745-37. The facility is in violation of its license and this rule for accepting hazardous waste for disposal.

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OAC Rule 3745-27-19(B)(2): Compliance

The owner or operator shall conduct all operations in strict compliance with the applicable authorizing document(s), including permit(s), to install, a plan approval, and an operational report. The facility has not operated in strict compliance with the applicable authorizing document(s), including the permit to install, plan approval and the operational report indicating that hazardous waste would be detected and prevented from entering the landfill in accordance with all applicable rules. The pre-acceptance waste screening program requires a description of the types of wastes from the generator that details a written description of the waste, its source, physical and chemical characteristics including analytical data, and certification from the generator that the material does not contain PCB or hazardous waste. Based on this information, the facility is in violation of its authorizing documents and this rule.

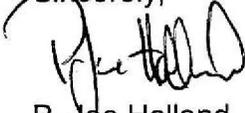
OAC Rule 3745-27-19(L): PCB and Hazardous Waste Prevention and Detection Program

A written program shall be implemented with procedures that are sufficient to detect and prevent the disposal of regulated hazardous waste. By accepting hazardous waste at the landfill, the facility has failed to comply with this rule.

Please respond within fifteen (15) days as to your intentions and proposed actions to achieve compliance. Failure to list specific deficiencies in this communication does not relieve Kilbarger Construction, Inc. from the responsibility of complying with all applicable solid and hazardous waste regulations. This letter does not relieve Kilbarger Construction, Inc. from liability for any past or present violations of the state's solid or hazardous waste regulations.

Should you have any questions regarding this letter, please contact me at your convenience.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid & Infectious Waste Management
Southeast District Office

PJH/jg

cc: Athens City-County Health Department
Mark Ruof, The Mark James Corporation