



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: Notice of Violation  
Hasting's Property  
Hardin County

January 24, 2007

Mr. Randy Hastings  
22244 County Road 144  
Kenton, Ohio 43326

Dear Mr. Hastings:

On December 6, 2006, Jeremy Scoles, Tyler Madeker and I represented the Ohio Environmental Protection Agency (Ohio EPA) and performed an inspection of the property located at 22244 County Road 144, Kenton, Ohio, for compliance with Ohio's open dumping and construction & demolition debris regulations. No one represented the Facility during the inspection.

Siding, shingles, bagged household garbage and metals were noted in a pond adjacent to the property. It appeared as if these items were being used as fill material. The above listed items cannot be used as fill material. Clean hard fill, defined as reinforced or non-reinforced concrete, asphalt concrete, block, brick, tile or stone and dirt are the only items that can be used as fill material. There was also evidence of open burning. Burnt siding was noted in the fill material.

The open dumping prohibition within Ohio Administrative Code (OAC) Rule 3745-27-05(C) states, "No person shall conduct, permit, or allow open dumping." Ohio Revised Code (ORC) Chapter 3734.03 states in part, "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection . . ." OAC Rule 3745-400-04 states in part, "No person shall conduct or allow illegal disposal of construction and demolition debris . . ."

Therefore, you are in violation of OAC Rule 3745-27-05(C) and ORC Chapter 3734.03 for open dumping and open burning of solid waste and OAC Rule 3745-400-04 for illegal disposal of construction & demolition debris.

The siding, shingles, bagged household garbage and metals must be immediately cleaned-up and properly disposed. If you wish to continue to fill the pond, then a "notice of intent to fill" must be completed and returned to Ohio EPA. A sample "notice of intent to fill" is enclosed with the letter. Remember only reinforced or non-reinforced concrete, asphalt concrete, block, brick, tile or stone can be used as fill material.

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Failure to show progress toward the cleanup may subject you to escalated enforcement. Ohio EPA will be conducting periodic inspections to verify the clean-up was completed and the future filling is being conducted properly.

This correspondence addresses specific observations noted only for the areas of the property that were inspected. Nothing present in, or absent from this correspondence is intended to imply that no other violations existed at the property during the inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

If you have any questions concerning this correspondence, you may contact me at (419) 373-3126.

Sincerely,

*Michael A. Reiser*

Michael A. Reiser, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

/llr

pc: ~~Joe Grob, DAPC, NWDO~~  
David Zeller, Hardin County Health Department  
File Copy: Hardin County, Open Dumps