



**Environmental  
Protection Agency**

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

July 20, 2012

Mr. Sonny Lewis  
City Manager  
City of Franklin  
1 Benjamin Franklin Way  
Franklin, Ohio 45005

**RE: Notice of Violation  
Construction and Demolition Debris Complaint, 1200 S. Main Street, Franklin  
Warren County**

Dear Mr. Lewis,

On July 9, 2012, I conducted an inspection of the city of Franklin's property located at 1200 S. Main Street in Franklin, Ohio. The weather was 95 degrees and sunny. Individuals present during the inspection included Mr. Rod Good. The purpose of this inspection was to determine compliance with Ohio's solid waste and construction and demolition debris laws.

During my inspection, I observed piles of used roofing shingles and other construction and demolition debris (C&DD) materials dumped and or partially buried all across the property at the address above. Used roofing shingles are considered construction and demolition debris (C&DD). You indicated that the shingles were likely generated by the previous owners: IKO Production, Inc., and Logan Long Roofing.



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Failure to dispose of C&DD at a licensed C&DD facility constitutes illegal disposal of C&DD and places you in violation of the following C&DD laws and regulations:

- 1) **OAC 3745-400-01(N)** defines disposal of C&DD as follows, *"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any construction and demolition debris into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage, reuse, or recycling in a beneficial manner.*
- 2) **OAC Section 3745-400-04(A)** states, in part, that C&D debris may only be disposed of in the following manner:
  - a) *Disposal in a licensed construction and demolition debris facility;*
  - b) *Disposal in a solid waste disposal facility, as defined in rule 3745-27-01 of the Administrative Code and licensed in accordance with Chapter 3745-37 of the Administrative Code.*

During my investigation it was determined that your property located 1200 S. Main Street in Franklin, Ohio, is not a licensed construction and demolition debris landfill, and as such, the presence of the material on your property is considered illegal disposal.

- 3) **OAC Section 3745-400-04 (B)** states, in part, that, *"no person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code".* OAC 3745-400-01(S) defines illegal disposal as follows, *"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.*

Similarly, ORC Section 3734.06(A) states in 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..."*

- 4) **ORC Section 3734.11(A)** requires compliance with both the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC), and states in part: *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code".*
- 5) **ORC Section 3714.13** states in part that, *"the above violations of the Ohio Revised Code (ORC), constitute a violation of Ohio Revised Code (ORC) 3714.13. Specifically the following sections apply:*

- (A) No person shall violate any section of this chapter.*
- (B) No person shall violate a rule adopted under this chapter.*

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6) **ORC 3734.03(C)** No person shall violate an order issued under this chapter.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) sections cited in this Notice of Violation letter specifically prohibit the illegal disposal of C&DD. This correspondence serves to inform you that the C&DD on your property must be removed for proper disposal and must be taken to a licensed facility (E.g., solid waste in a licensed sanitary landfill or licensed construction and demolition debris (C&DD)).

Please respond in writing within fourteen (14) days with a work plan that includes a time frame for removal of all debris. The plan must contain the location of the licensed facility where debris will be taken for proper disposal. The plan must also contain milestones projecting completion of work by day and/or week.

Receipts documenting proper disposal must be submitted to:

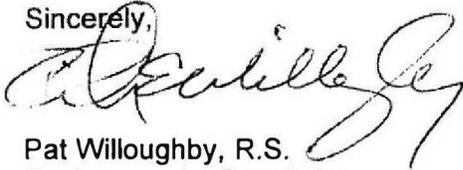
Ohio EPA, Southwest District Office  
Division Materials and Waste Management  
401 E. Fifth Street, Dayton, Ohio 45402

A re-inspection will be scheduled to verify that the clean-up is complete and to document your return to compliance with Ohio's C&DD laws and regulations.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6648.

Sincerely,



Pat Willoughby, R.S.  
Environmental Specialist  
Division of Materials and Waste Management

PW/tf

cc: Mayor Scott Lipps, City of Franklin  
Rod Good, R. Good Logistics  
Warren County Health Department  
Kathy Jackson, Ohio EPA

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7/20/2012  
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Total Postage & Fees

MR SONNY LEWIS  
CITY MANAGER  
CITY OF FRANKLIN  
1 BENJAMIN FRANKLIN WAY  
FRANKLIN, OH 45005

Sent To  
Street, Apt. No.,  
or PO Box No.  
City, State, ZIP+4

PS Form 3800, June 2002

See reverse for instructions

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- 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.

1. Article Addressed to:

MR SONNY LEWIS  
CITY MANAGER  
CITY OF FRANKLIN  
1 BENJAMIN FRANKLIN WAY  
FRANKLIN, OH 45005

2. Article Number  
(Transfer from service label)

7005 1820 0002 1627 2007

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Cheryl Hech  Agent  
 Addressee

B. Received By (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
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4. Restricted Delivery? (Extra Fee)  Yes

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