



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

January 25, 2013

RE: SCIOTO COUNTY
SITE - GEN

Gary Brown
3575 State Route 348
Otway, Ohio 45657

Dear Mr. Brown:

On January 23, 2013, I spoke with you at your sawmill business located on State Route 348 outside Otway, Ohio. I had stopped by based on my findings of a complaint investigation at property you own on Rocky Fork Road near Otway. The complaint stated that open dumping of solid waste and illegal disposal of construction & demolition (C&DD) was occurring at the Rocky Fork Road site. A site visit at the Rocky Fork Road property did identify a large pile of demolition debris intermixed with a small amount of solid waste dumped near the edge of the stream on the property.

During our discussion at your business you stated that you did own the property and that you had demolished an older dilapidated home in Otway, hauled it to the Rocky Fork Road site and that you intended to burn or bury the waste. I explained at that time that both the solid waste and C&DD waste dumped at the site is a regulated material and must be properly disposed of at a licensed facility. You indicated that you understood and would take action to properly remove and dispose of the waste.

As per our discussion and as a reminder, please be advised that open dumping of solid waste and/or illegal disposal of construction and demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed.

OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

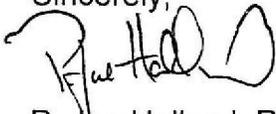
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Pursuant to our conversation please take the necessary measures to return to compliance with Ohio's environmental laws. All solid waste and construction & demolition debris at the site must be collected and properly disposed of in order to comply with the above mentioned ORC and OAC laws and rules.

As requested, please provide documentation to this office showing all waste was properly disposed of at a licensed facility.

If you have any questions, please contact me by telephone at (740) 380-5439 or by e-mail at joe.holland@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Joe Holland". The signature is stylized with a large initial "P" and a long, sweeping underline.

P. Joe Holland, R.S.
Environmental Specialist II
Division of Materials and Waste Management
Southeast District Office

PJH/mr