



Environmental
Protection Agency

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

*Butler Co.
Schlichter &
Gen. Corr.*

November 8, 2011

Henry L. Bowling
125 Hermay Drive
Hamilton, Ohio 45013

Don Hershner
3653 Oxford Millville Road
Oxford, Ohio 45056-9038

RE: Schlichter C&DD Facility, Butler County
Notice of Violation- OAC Rule 3745-27-13

Dear Mr. Bowling and Mr. Hershner;

The Ohio Environmental Protection Agency (Ohio EPA) communicated in a letter dated September 16, 2011, to the Old River Valley Place of Nature Foundation (Foundation) that all activities performed by the Foundation needed to be off the areas of waste placement to avoid disturbance of the landfill cover and surface water drainage structures.

However, during the September 30, 2011 site visit, I observed several new piles of soil mixed with concrete and miscellaneous municipal solid waste stockpiled in the southeastern corner of the perimeter of the pond. Mr. Bowling had indicated during a conference call on September 29, 2011, that materials had been brought onto the site to grade around the pond for the construction of a dock on the pond. The area southeast of the pond does have waste beneath it as discovered by Ohio EPA during our Closed Landfill and Orphaned Sites Evaluation and Rating (CLOSER) project work on the property with test pits for recovery of clean borrow soils to be used as cover material over the landfill areas.

Todd Watson of Watson Sand & Gravel had communicated with Ohio EPA's contractor RB Jergens onsite and indicated that he was the one that had graded out the area as directed by the Foundation for the construction of a dock.

Since the area south of the pond is over waste placement and the Foundation graded and filled this area without prior authorization from Ohio EPA the Foundation is in violation of OAC Rule 3745-27-13 which states:

"No person shall, without authorization from the director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated. Any person proposing to engage in these activities on land

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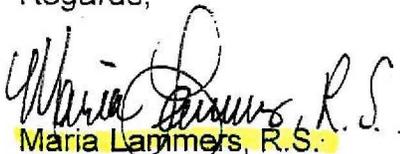
where a hazardous waste facility or solid waste facility was operated shall comply with the requirements of this rule.”

This means that before any activities are performed that may result in disturbance of areas over waste placement including but not limited to the landfill cap or cover, the Foundation must first seek approval from Ohio EPA.

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.

Corrections of the aforementioned violations are expected to begin immediately upon receipt of this letter. If you have any questions or need any additional information, please call me at (937) 285-6046.

Regards,



Maria Lammers, R.S.
Environmental Specialist II
Division of Materials and Waste Management

Ec: Carl Mussenden, Ohio EPA, DMWM-CMEU
Connie Livchak, Ohio EPA, DMWM, Central Office

ML/ca