



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

January 22, 2013

CERTIFIED MAIL

Mr. Rod Good  
Good Industries  
1200 S. Main St.  
Franklin, Ohio 45005

**RE: Solid Waste Complaint, 1200 S. Main Street, Franklin, Warren County**

Dear Mr. Good:

On July 9, 2012, I visited the city of Franklin property located at 1200 S. Main Street, Franklin, Ohio, (Property) in response to concerns of mismanagement of solid waste, specifically old roofing shingles, at the location mentioned above. During my inspection, you had indicated that the pile of roofing shingles was waste likely generated by the two (2) previous owners; IKO Production, Inc., and Logan Long Roofing. The purpose of this investigation was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734. It has been determined that the shingles and roofing materials located at the city of Franklin property located at 1200 S. Main Street, Franklin, Ohio, are by definition, a solid waste. You had also indicated that you had dug up and moved some of the shingles to the north side of the railroad.

The Ohio Administrative Code (OAC) defines a solid waste as:

*"Solid waste' means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty percent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste."*

The act of digging up the roofing shingles and dumping them back on the ground at an unlicensed solid waste facility constitutes open dumping. The Ohio Revised Code (ORC) Section 3734.01(I) defines open dumping, in part, as "the depositing of solid wastes into a body of or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code". Therefore, all of the roofing materials must be managed as solid waste and disposed of at a licensed solid waste facility.

The following violations are being cited as a result of my continued investigation:

**1. OAC Rule 3745-27-05(C), Open Dumping:**

-This regulation states in part:

*"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".*

- On July 9, 2012, you indicated that you had dug up a portion of the pile of roofing shingles and re-deposited them in a different area of the property and on the adjacent railroad property. This would constitute open dumping.

**2. ORC Section 3734.02(C), Establishing a Solid Waste Facility Without a Permit**

-This regulation requires a facility to have a permit, and states in part:

*"Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code".*

- On July 9, 2012, you indicated that you had dug up a portion of the pile of roofing shingles and re-deposited them in a different area of the property and on the adjacent railroad property. By depositing the excavated waste roofing material on another portion of the property, you have established a solid waste disposal facility without a permit.

**3. ORC Section 3734.05(A): Establishing a Solid Waste Facility Without a License:**

-This regulation requires a facility to have a license, and states in part:

*"Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code".*

- On July 9, 2012, you indicated that you had dug up a portion of the pile of roofing shingles and re-deposited them in a different area of the property and on the adjacent railroad property. By depositing the excavated waste roofing material on another portion of the property, you have established a solid waste disposal facility without a solid waste license.

**4. ORC Section 3734.11(A) – Compliance:**

-This regulation 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".*

- On July 9, 2012, you indicated that you had dug up a portion of the pile of roofing shingles and re-deposited them in a different area of the property and on the adjacent railroad property and as such, have violated the aforementioned sections of the solid waste law and rule.

**5. ORC Section 3734.03**

*"(C) No person shall violate an order issued under this chapter. Violation of an order issued by a board of health under this chapter is not also a violation of section 3709.20 or 3709.21 of the Revised Code, whichever is applicable."*

You are in violation of the aforementioned rules and laws for the presence of the waste roofing materials on your Property as well as excavating and re-depositing the material on another portion of the property. The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes. As such, you are required to take the following corrective actions to abate the aforementioned violations on your property:

- All of the waste roofing materials that were dug up and re-deposited on your Property and the Norfolk Southern property must be removed and be taken to a licensed solid waste disposal facility.

- Provide a work plan that contains, at a minimum, a time frame for removal of all waste roofing materials and an action plan for the removal. The plan must also contain the location of the licensed facility where the waste roofing materials 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 me at Ohio EPA, Southwest District Office (SWDO), Division of Materials & Waste Management (DMWM) at the letterhead address.

Periodic inspections will be conducted to monitor clean-up progress and ultimately to verify that the clean-up is complete and document your return to compliance with Ohio Law.

Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

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/tb

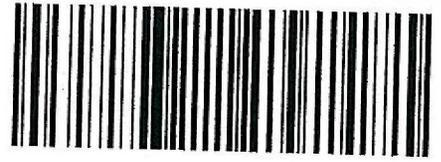
cc: Dennis Murray, Director of Environmental Health, Warren County Health Dept.

# Ohio

## Environmental Protection Agency

Southwest District Office  
401 East Fifth Street  
Dayton, Ohio 45402-2911

CERTIFIED MAIL™



7010 1060 0002 4250 3319

UNITED STATES POSTAGE  
  
 PITNEY BOWES  
 02 1P \$ 005.75<sup>0</sup>  
 0001656057 JAN 22 2013  
 MAILED FROM ZIP CODE 45402

RETURN TO  
UNCL

RECEIVED  
OHIO EPA

FEB 13 2013 *Pat W. Hughes*

MR. ROD GOOD  
 GOOD INDUSTRIES  
 1200 S. MAIN ST  
 FRANKLIN, OHIO

1st NOTICE 130  
 2nd NOTICE 28  
 RETURNED

NIXIE 430 SE 1 00 02/11/13  
 RETURN TO SENDER  
 UNCLAIMED  
 UNABLE TO FORWARD  
 BC: 45402291101 \*2215-15744-22-34

45402291101

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

### OFFICIAL USE

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

Postmark Here

Total Postage & Fee

Sent To

Street, Apt. No., or PO Box No.

City, State, ZIP+4

MR. ROD GOOD  
 GOOD INDUSTRIES  
 1200 S. MAIN STREET  
 FRANKLIN, OHIO 45005

PS Form 3800, August 2006 See Reverse for Instructions

7010 1060 0002 0902 0102