



Environmental
Protection Agency

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

FILE COPY

September 24, 2012

Certified Mail #91 7108 2133 3932 1838 6503

Mr. Joseph Thomas
Village Communities
470 Olde Worthington Road, Suite 101
Westerville, Ohio 43082

**Notice of Violation - Open Dumping of Solid Waste and Illegal Disposal of C&DD
at the Preserve at Willows Crossing**

Dear Mr. Thomas:

As you may recall, in late August of this year I had become aware, via several email messages, of some yard waste (shrubs and a few trees) and construction wastes (plastic drainage tile, pallets, and some other plastic) that had been deposited in an excavated area that is undergoing further development at the Willows at the Preserve subdivision off of Thompson Road in northeastern Franklin County. I received additional information on September 17, 2012, that these materials may have been buried instead of being removed.

During the late morning of September 18, 2012, I visited the site and spoke with Mr. Tom Turley, the construction manager, for the development. Mr. Turley indicated that he had instructed Larry Maronda, a contractor, to take care of material, but he also stated that he did not specifically know what happened to the yard waste and construction waste. Mr. Turley gave me Mr. Maronda's phone number. While still at the site, I call Mr. Maronda who stated that he had covered up the yard waste and construction waste on September 14, 2012. He also stated that he planned on uncovering the waste when he returned to the site in 2 to 3 weeks.

Please note that Ohio Administrative Code (OAC) Rule 3745-27-01(Y)(1) defines "yard waste" as solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunnings from trees and shrubs.

OAC Rule 3745-27-01(O)(4)(a) defines open dumping as the deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes at any place other than a solid waste facility operated in accordance with Chapter 3734 of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 or the Administrative Code.

Further, OAC Rule 3745-27-05(C) states that, 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 responsible for the open dumping, the owner of the property, or the person who allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 or the Revised Code, and shall submit verification that the solid waste has been properly managed. Since Village Communities is the owner of the property on which the solid waste has been open dumped, then Village Communities is in **violation** of OAC Rule 3745-27-05(C). Village Communities also has an obligation to ensure that the solid waste (in this case buried shrubs and trees) has been removed and properly managed.

As for the construction material that was also buried, this is a **violation** of OAC Rule 3745-400-04(B), which states 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. Therefore, Village Communities is in violation of this rule for allowing the construction and demolition debris to be buried on their property.

Please respond in writing, within 14 days receipt of this notice of violation, detailing what actions you plan on taking to abate these violations. Please note that I want to be present when these materials are removed from the excavation so that I can verify that all solid waste and construction and demolition debris has been removed.

If you have any questions regarding this matter, please feel free to contact me by telephone at 728-3890, or by email at phil.farnlacher@epa.state.oh.us.

Sincerely,



Phil Farnlacher
Division of Materials and Waste Management
Central District Office

c: CDO DMWM File