



**Environmental  
Protection Agency**

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

Re: Notice of Violation  
Complaint # 12-26  
Bethel Engineering  
Auglaize County

July 18, 2012

Mr. Dave Whitaker  
Bethel Engineering  
13830 McBeth Road  
New Hampshire, Ohio 45870

Dear Mr. Whitaker:

On June 26, 2012, I representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM) completed an inspection of Bethel Engineering (Facility). The purpose of the inspection was to investigate a complaint received by Ohio EPA's DMWM, and to determine compliance in accordance with Chapter 3745-27 of the Ohio Administrative Code (OAC). Kara Reynolds also with DMWM was present during the inspection. The Facility was represented by John Neumeier.

The complaint alleged that two large corn cribs were demolished in the southern portion of the property. During the demolition process two large holes were excavated and construction demolition debris (C&DD) was buried in the holes. Additional allegations related to other Ohio EPA programs are being investigated by the appropriate personnel.

During the June 26, 2012, inspection two areas of freshly placed soil were observed in the area specified in the complaint. Additionally, a large hole containing water was also observed. During a phone conversation on July 10, 2012, you indicated that concrete block, brick, and shingles had been placed into the excavations and covered with soil. You indicated your desire to bring the area up to the grade of the foundations of the corn crib and construct a parking area.

Ohio Administrative Code (OAC) Rule 3745-400-05(A) states: "Clean hard fill consisting of reinforced or non-reinforced concrete, asphalt concrete, brick, block, tile, or stone shall be managed in one or more of the following ways:

1. Recycled into a usable construction material
2. Disposed in licensed construction and demolition debris or other waste facilities.

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3. Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on the site of generation.
4. Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, pursuant to paragraph (C) of this rule.

OAC Rule 3745-400-05(C) states in part: The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed.....

OAC Rule 3745-400-04(B) states: No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

**For placing shingles, which are not considered clean hard fill, into the excavations, you are in violation of OAC Rule 3745-400-04(B).**

**For utilizing fill materials generated from off of the property to bring the site up to consistent grade without submitting a notice of intent to fill you are in violation of OAC Rule 3745-400-04(C).**

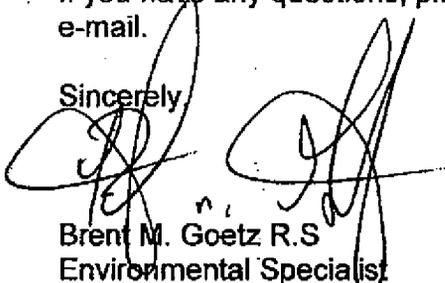
As discussed during our July 10, 2012 phone conversation steps need to be taken to return to compliance. These steps could include the excavation and removal of the shingles and the submittal of documentation of such activities, which should include photos and disposal receipts. Additionally, the attached notice of intent to fill form should be completed and returned to my attention.

Bethel Engineering needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Bethel Engineering is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [Brent.Goetz@epa.ohio.gov](mailto:Brent.Goetz@epa.ohio.gov).

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If you have any questions, please contact me by telephone at (419) 373-4114 or by e-mail.

Sincerely,



Brent M. Goetz R.S  
Environmental Specialist  
Division of Materials and Waste Management

/cg

pc: File: Auglaize County, Dump Sites

ec: Jeremy Scoles, DMWM-NWDO  
Mike Reiser, DMWM-NWDO  
Pat Tebbe, DSW-NWDO  
Ed Pulido, DMWM-NWDO  
Tom Cikotte, DAPC-NWDO

Please be advised that the violation cited above will continue until the violation has been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the owner/operator the Defiance County Landfill is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

# Notice of Intent to Fill

**Instructions:** Ohio rules require the person responsible for causing CLEAN HARD FILL to be used in legitimate fill operations for construction purposes, or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written Notice of Intent to Fill to The Ohio Environmental Protection Agency at least seven days prior to filling.

1. Describe the nature of the fill material to be used: _____ Does it meet the definition of CLEAN HARD FILL? Yes _____ No _____ If yes, continue to No. 2. If no, STOP. Described material does not meet definition.	
2. Where will the material come from? Street Address _____ City, Village, or Township _____	
3. Where will the material be placed: Street Address _____ City, Village, or Township _____	
4. When will the work be done? Beginning Date _____ Ending Date _____	
5. Will the CLEAN HARD FILL be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade on a site other than the site of generation? Yes _____ No _____ If yes, describe use _____. If no, STOP. It is not a legitimate use for CLEAN HARD FILL.	
6. Is the fill location in a regulatory wetland, floodplain, pond, quarry or borrow pit? Yes _____ No _____ If yes, permission must first be received from the Ohio EPA, Division of Surface Water and/or the U. S. Army Corps of Engineers. Provide documentation. If no, proceed to # 7 and complete rest of form.	
7. Name of Notifier/Provider _____ Daytime Phone _____	Name of Notifier/Recipient _____ Daytime Phone _____
I am aware of the requirements for disposal of demolition debris, including the definition of CLEAN HARD FILL. The information contained in this form is correct to the best of my knowledge.	
Signed: _____ (Notifier/Provider)	Date: _____
Signed: _____ (Notifier/Recipient)	Date: _____

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