



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

Re: Notice of Violation
Miller Contracting Office Property
Progressive Drive Property
Putnam County

August 27, 2008

CERTIFIED MAIL

Mr. Alan J. Miller
AMMPACK Properties LTD
P.O. Box 328
Ottoville, Ohio 45876

Dear Mr. Miller:

On August 18, 2008 I, representing the Ohio Environmental Protection Agency (Ohio EPA), inspected the Miller Contracting Group (MCG) Office property located off of State Route 66 in Ottoville, Ohio. During the inspection, I was accompanied by Mr. John Vetter. Additionally, after my inspection at the MCG property, I completed an inspection at your Progressive Drive property. I was not accompanied during this inspection; however, during a March 27, 2008, inspection I was given access to the Progressive Drive property by your son Mr. Patrick Miller.

During my inspection of the Progressive Drive property, two large piles of construction and demolition debris (C&DD) were observed on the property. These piles appeared to consist mostly of shredded wood, mixed with metal, brick, shingles and other miscellaneous C&DD.

During my inspection of the Miller Contracting Office property, a large pile of C&DD was observed located south of the office building. This material consisted of; wood, insulation, siding, fabric from clothing, wire, shingles, PVC pipe, what appeared to be furniture remnants, and other miscellaneous materials. Additionally, a large pile of finely shredded wood mixed with metal particles, fabric, glass, and other miscellaneous solid waste was observed next to the pile of C&DD. According to Mr. Vetter this material consisted of shredded structures damaged during a tornado in the City of Van Wert, Ohio in 2002.

An inspection performed on both of the above reference properties on March 27, 2008, resulted in similar observations. After the March 27, 2008, inspection was performed a letter was issued outlining actions that needed to be taken to prevent a notice of violation being issued for violation of solid waste regulations.

X

The August 18, 2008, inspection indicated that little action had been taken to remove the materials from either of the two properties.

Ohio Administrative Code (OAC) Rule 3745-27-05(C) states, 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.

Ohio Revised Code (ORC) Section 3734.03 states, No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

The large pile of finely shredded wood, containing various solid wastes, located at the MCG office is considered a solid waste. Placement of this material onto the ground is considered open dumping. **You are therefore in violation of OAC Rule 3745-27-05(C) and ORC Section 3743.03**

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.

C&DD materials observed on both the MCG and progressive drive properties have been documented as being present for at least the past two years. Placement of this material onto the ground for this period of time is considered disposal. **You are therefore in violation of OAC Rule 3745-400-04(B).**

In addition to the above reference violations, you are also in violation of ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating a solid waste disposal site without a permit and license.

ORC Section 3734.02(C) states, 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 modify an existing solid waste 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.

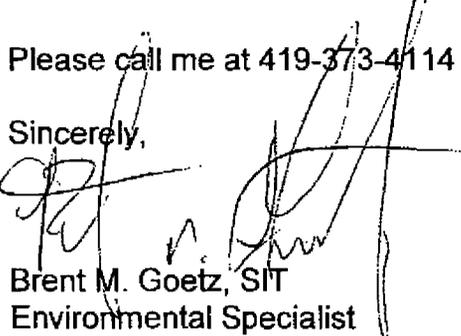
ORC Section 3734.05(A)(1) states, Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director 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.

OAC Rule 3745-37-01(A) states in part, No person shall conduct municipal solid waste landfill operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted there under.

All materials located on both properties must be removed and properly disposed within 30 days. Detailed disposal receipts, including the address of where the materials are being transported from must be submitted to my attention within 7 days of complete removal of all of the materials. If materials are not removed, and receipts are not submitted within the above timeline, this issue will be referred to Ohio EPA Compliance Monitoring and Enforcement Unit for possible enforcement action.

Please call me at 419-373-4114 if you have any questions.

Sincerely,



Brent M. Goetz, SIT
Environmental Specialist
Division of Solid and Infectious Waste Management

Allr

pc: Putnam County Health Department
DSIWM-NWDO File: Putnam County, Dump Sites
ec: Mike Reiser, DSWIM