



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

Re: Putnam County Landfill
 Putnam County
 Open Dumping – Case #13-36
Notice of Violation

August 23, 2013

Putnam County Commissioners
 245 East Main Street, Suite 101
 Ottawa, Ohio 45875

Dear Commissioners:

On August 19, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) received and investigated a complaint regarding the pond just north of the Closed Putnam County Landfill, off of Township Road H, Ottawa, Ohio, Putnam County (Site). The Site is identified as Parcel # 30-018020.0000 by the Putnam County Auditor. The complainant alleged that clean hard fill (CHF), construction and demolition debris, and brush is being dumped into pond. During a phone conversation on August 22, 2013, the complaint and inspection results were discussed with Mr. Jack Betscher.

During the investigation, I observed CHF, brush, pieces of wood, and a toilet along the edge of a pond, which was a former barrow pit for the closed landfill. Approximately three large sheets of wood were floating in the water, and several pieces of wood were along the bank in the water (See enclosed pictures). I also observed clean hard fill along the banks of the pond.

Clean Hard Fill:

CHF is defined in Ohio Administrative Code (OAC) 3745-400-01(E) as:

“construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.”

A Notice of Intent to Fill is required by OAC Rule 3745-400-05(C), which states,

“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. The Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification.”

Enclosed is a Notice of Intent to Fill, which needs to be completed and returned to my attention. Mr. Betscher indicated the Putnam County Engineer's office frequently monitors this area and removes any non-clean hard fill materials. When non-clean hard fill materials are removed ensure they are properly disposed of.

Construction and Demolition Debris:

Construction and demolition debris is defined in OAC Rule 3745-400-01(F) as (in pertinent part):

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. . . .

For dumping construction and demolition debris by and in the pond, the owner/operator is in violation of the following Rule:

1. **OAC 3745-400-04(B):**

No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

Illegal Disposal is defined in OAC 3745-400-01(S) as:

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility operated in accordance with Chapter 3714. of the Revised Code, and Chapters 3745-400 and 3745-37 of the Administrative Code, a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code, and licensed in accordance with Chapter 3745-37 of the Administrative Code, or as otherwise authorized by this Chapter.

This violation will continue until all construction and demolition debris illegally disposed at this site is removed and properly disposed at a solid waste or construction and demolition debris facility. Please ensure the brush, which is considered a yard waste, is also removed from the Site and properly managed in accordance with OAC Rule 3745-27.

Illegal disposal must stop, and correction of the above violations must start immediately. Ensure all solid waste and C&DD is collected and properly disposed. Within 14 days of receipt of this letter, you are 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 (347 North Dunbridge Road Bowling Green, Ohio 43402) or electronically to kristin.tillison@epa.state.oh.us.

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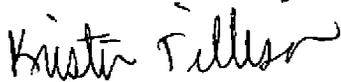
Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you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

This correspondence addressed specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the property at the time of inspection.

Compliance with the requirements outlined in this letter, the construction and demolition debris provisions contained in the Ohio Revised Code Chapter 3714 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

If you have any questions feel free to contact me at 419-373-3064.

Sincerely,



Kristin Tillison, RS
Environmental Specialist II
Division Materials and Waste Management

Enclosures

/cg

pc: File: DMWM-SW, Putnam County, Landfill

ec: Jeremy Scoles, Ohio EPA