



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

August 12, 2013

RE: ROSS COUNTY
SITE-GEN

Gillum Brothers Excavating
485 Douglas Ave
Chillicothe, OH 45601-3663
Attention: Bob Gillum

Dear Mr. Gillum:

Ohio EPA has received a complaint of open dumping of solid waste and illegal disposal of construction and demolition debris (C&DD) located on the Mark and Tamara Scott property at 1410 Lancaster Road in Ross County. On July 24, 2013, I conducted a site investigation of this property. I was accompanied by Kyle Bianco, SIT of the Ross County Health Department.

During this investigation, we observed a trench approximately fifty feet (50') by two hundred feet (200') had been excavated and filled with solid waste and demolition debris. A Gillum excavator and bulldozer were on site, but were not in use at the time.

I spoke with Mrs. Scott, who said that the material had been placed in the trench as part of clean-up efforts following a warehouse fire that had occurred nearby on the same property. Mrs. Scott explained that a warehouse building had caught fire in early April. Fire and water damage made the building and much of the building's contents unusable. She said that the residual of the building and its contents now belonged to the insurance company Western Reserve Group for the purpose of clean-up.

Mrs. Scott stated that the clean-up had been put out for bid and that Gillum Brothers Excavating had won the bid. She said you had obtained permission from Ohio EPA to bury the material on site. I spoke with you via telephone on August 1st and you confirmed that you had created the trench and moved the material into it.

No authorization to dispose of this material by on-site burial exists.

Please be advised that open dumping of solid waste and illegal disposal of C&DD are violations of Ohio Revised Code (ORC) and Ohio Administrative Code (OAC). Specifically:

ORC Section 3734.03 - No person shall dispose of solid wastes by open dumping.

OAC Rule: 3745-27-05(C) - 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 allows 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.

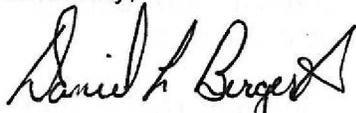
OAC Rule 2745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

OAC Rule 3745-37-01(A) - No person shall conduct municipal solid waste landfill...facility 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 thereunder.

As operator, you are in violation of these statutes. Disposal of solid waste and C&DD in this manner should cease. All waste material should be removed for proper disposal or recycled. The material to be disposed must be legally disposed of at a licensed solid waste facility. Once all waste material is removed from the trench, the trench location should be properly reclaimed and revegetated.

Please respond in writing within 14 days receipt of this letter as to your intentions to address the violations that exist on this property. Coordination with the other responsible parties may be of benefit in developing a clean-up plan (see attached copies of letters provided). Please provide a copy of all disposal receipts to this office. Should you have any questions regarding this letter, please feel free to contact me at (740) 380-5438.

Sincerely,



Daniel L. Bergert, R.S.
Environmental Specialist II
Division of Materials and Waste Management

DB/mr

cc: Kyle Bianco, Ross County Health Department
cc: Mark and Tamara Scott
cc: Eric Owens, Western Reserve Group