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BEFORE THE

OHIO E.P.A.

SEP 30 2008

ENTERED DIRECTOR'S JOURNAL

By: Dr. J. Lassiter Date: 9-30-08

OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of: : Case No. 06-CD-007  
: :  
JAMES BROTHERS, INC., : DIRECTOR'S FINAL  
: FINDINGS AND ORDER  
Applicant. : :

Pursuant to Chapter 3714., 3734., and sections 119.09 et seq. of the Ohio Revised Code, and the Rules of the Ohio Environmental Protection Agency, the Director of Environmental Protection hereby makes the following Findings and issues the following Order:

### FINDINGS

1. James Brothers, Inc., is the operator (as that term is defined in Ohio Administrative Code Rule (OAC) 3745-400-01(I)) of James Brother's C&D Disposal Facility (Facility), a construction and demolition debris (C&DD) landfill on a 5.16 acre tract located at 3935 Boggs Road, approximately 3 miles from the intersection of Boggs Road and State Route 93 in Zanesville, Ohio in Muskingum County.
2. On October 28, 2005, James Brothers, Inc., submitted to the Ohio Environmental Protection Agency ("Ohio EPA") an application for a 2006 C&DD license for the Facility.
3. On July 20, 2006, the Director of the Ohio EPA ("Director") issued a Proposed Order proposing to deny James Brothers, Inc.'s application for a 2006 C&DD license for the Facility.
4. On August 21, 2006, James Brothers, Inc. filed a Request for Adjudication Hearing objecting to the Director's proposed denial of James Brother, Inc.'s application for a 2006 C&DD license for the Facility.
5. On June 27, 2008, James Brothers, Inc. filed a voluntary withdrawal of its request for an adjudication hearing.
6. Given the withdrawal of Applicant's request for hearing, there remain no unresolved issues of law or fact requiring an adjudication hearing in this matter. Therefore, Ohio EPA Case No. 06-CD-007 is moot and should be dismissed.

7. No adjudication hearing has been held in this matter.
8. The Hearing Officer assigned to this case has issued a Report and Recommendation recommending that Ohio EPA Case No. 06-CD-007 be dismissed.
9. No objection to the Hearing Officer's recommendation has been filed.
10. The recommendation of the Hearing Officer is lawful and reasonable and is hereby adopted.

**ORDER**

1. Ohio EPA Case No. 06-CD-007 is hereby dismissed.

**IT IS SO ORDERED:**

  
\_\_\_\_\_  
CHRIS KORLESKI  
Director

SEP 30 2000

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Date