



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

October 15, 2007

**RE: ADAMS COUNTY
GENERAL
20070121**

Mr. Larry Napier
409 Hopewell Road
Manchester, Ohio 45144

Dear Mr. Napier:

On October 10, 2007, I received information from the Adams County Probation Department where they have taken an active roll in the removal of waste that is along the right-of-way on Bentonville Road next to your property. The Probation Department removes waste that is within thirty (30) feet from the roadway. I have enclosed a copy of the waste volumes that have been removed by the Probation Department from this site. The waste that is down in the ravine is further away than thirty (30) feet and will be your responsibility to remove.

I would like to recognize your efforts in trying to find assistance in the removal and proper disposal of the waste from this old dump site. However; as the property owner, you are responsible for the cleanup of this property. Until all of the wastes are removed, violations of Ohio's solid waste laws will continue to accrue.

Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Section 3745-27 and 3745-400 of the Ohio Administrative Code (OAC).

Specifically:

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

OAC 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.

Presently, you are in violation of the above referenced rules.

All solid wastes disposed at the described location must be removed from the property and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office in order to document your compliance. Please respond in writing within 10 days of receipt of this letter of your actions taken to abate and remove the waste. I suggest that you obtain the services of a registered waste hauler to assist you in your waste disposal.

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The disposal facilities located nearest to you in Ohio is the Exempt Solid Waste Transfer Station on Trefz Road in Adams County; Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio; the Rumpke Landfill in Georgetown, Ohio; the Portsmouth Exempt Transfer Station, located on Elm Street in Portsmouth, Ohio. You may also choose to use other permitted and licensed facilities.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his obligation to comply with other State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

Enclosure

- cc: Jason Work, Adams County Health Department
- cc: Karen Sapp, Adams County EMA
- cc: Paul Braasch, Adams and Clermont Solid Waste Management District, 2379 Clermont Center Drive, Batavia, Ohio 45103
- cc: Alan W. Foser, Attorney at Law, 228 N. Market Street, West Union Ohio 45693
- cc: Ammon Mitchell, Adams County Probation Department, 110 West Main St. Rm. 235, West Union, Ohio 45693

Adams County Probation Department Adams County Courthouse

MICHAEL EVANS 110 WEST MAIN STREET, RM 235
Adult Chief Probation Officer WEST UNION, OHIO 45693
PHONE (937) 544-2921

JOYCE DEMINT
Juvenile Chief Probation Officer

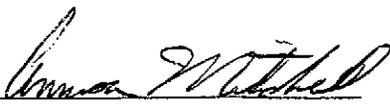
September 28, 2007

To whom it may concern:

For the past two years Adams County Probation Department has been cleaning a dump site located on Bentonville Road. Recently I received a letter from Larry Napier's Lawyer Alan Foster thanking us for our efforts. In addition, we will continue to work on the dumpsite provided that the debris is thirty feet from the roadway. Listed below are the totals of the debris that we have picked up from Dump site.

1. 222 Bags of Trash
2. 194 Tires
3. 56 Gas Tanks
4. 4 stoves
5. 3 Televisions
6. 3 chairs
7. 1 washer and dryer
8. 1 freezer

All debris that has been picked up was taken to Adams County Transfer Station and properly disposed of. If you have any question regarding this matter please contact me at (937) 544-2921 Ext. 229.


Ammon Mitchell, P.O.