



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

April 14, 2009

**RE: ADAMS COUNTY
SITE: GENERAL**

Mr. Rick Weiebold
1502 Lost lake Court
Williamsburg, Ohio 45176

Dear Mr. Weiebold:

The Southeast District Office of Ohio EPA conducted a follow-up inspection of the complaint that open dumping of solid waste is occurring on property off of Bentonville Road in Adams County. I conducted an inspection of the property on April 9, 2009. I observed that solid wastes including scrap tires are dumped on property over the hill and into a ravine. This property is next to a power line clearing area.

Property records obtained from the Adams County Court House indicates that this property belongs to you. You purchased this property from Larry Napier on April 23, 2008. As the property owner, you are responsible for your property and the solid waste violations that exist on your property.

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).

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(6) "solid waste" includes scrap tires.

Scrap tires must be properly stored and managed in accordance with the Ohio Administrative Code Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

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

1. Pursuant to Ohio Administrative Code (OAC) 3745-27-60(B), the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety or a fire hazard unless the tires are stored in accordance with specific standards set forth under Ohio Administrative Code 3745-27-60(B)(1) through (10).
2. ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

ADAMS COUNTY
OPEN DUMPING
APRIL 14, 2009
PAGE 2

3. 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.

Open dumping of solid waste must cease immediately. 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. I suggest that you obtain the services of a registered waste hauler to assist you in your waste disposal.

The disposal facilities located nearest to you in Ohio is the 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 choose to use other permitted and licensed facilities.

I am requesting that you respond to me at this District Office within ten days of receipt of this letter to notify me of your intentions and actions taken to abate the open dumping.

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/cb

cc: Jason Work, Adams County Health Department