



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

January 12, 2009

**RE: ADAMS COUNTY  
SITE - GEN**

Ms. Flora Kelly  
61 Wendall Shivener Road  
West Union, Ohio 45693

Dear Ms. Kelly:

The Southeast District Office of Ohio EPA received a complaint that open dumping and burning of solid waste is occurring on property off of Wendall Shivener Road, in West Union, Adams County. I conducted an inspection of the property on January 8, 2009. I observed that solid wastes, including a few scrap tires, are being dumped on this property by a mobile home. I also observed that solid wastes are being burned behind your residence. Property records obtained from the Adams County Courthouse indicate that you may own the 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).

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.

Open dumping and burning 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.

ADAMS COUNTY  
SITE - GEN  
JANUARY 12, 2009  
PAGE 2

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,

A handwritten signature in cursive script, appearing to read "Clint Shuff".

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

CAS/jg

cc: Jason Work, Adams County Health Department