



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

April 10, 2008

**RE: ADAMS COUNTY
SITE - JOHN ABBOTT DUMP
NOTICE OF VIOLATION**

Ms. Alisha Abbott
34 South Main Street
Peebles, Ohio 45660

Dear Ms. Abbott:

On April 8, 2008, I conducted an inspection of your property to determine compliance with Ohio's solid waste laws and with the Court Order that was issued to you on July 31, 2000, by the Adams County Court of Common Pleas and the Director's Final Findings and Orders (DFFOs) issued October 5, 2004, ordering the removal of the scrap tires.

During this inspection I met with John Abbott. I also observed that a large amount of solid waste and construction and demolition debris still exists on your property. I did observe that John Abbott had filled a dump truck with scrap metal and was hauling the metal to a recycler in Hillsboro.

The Court Order filed July 31, 2000, orders you, the defendants to transport and dispose of all solid waste, construction debris and solid waste, said disposal shall be in the amount of two (2) truck loads per week, until all debris is removed from your property.

Further, the defendant shall immediately cease the transport and disposal of all solid waste, scrap tires and construction and demolition debris, except as transported and disposed of in accordance with law.

You are in violation of the Court Order by failing to transport and dispose of two truck loads of waste per week and by open dumping additional waste.

The Directors Final Findings and Orders issued on October 5, 2004, ordered you to remove the scrap tires within 120 days. You have failed to remove the scrap tires.

Please be advised that open dumping and open burning of solid waste is also a violation of Chapter 3745-27 of the Ohio Administrative Code (OAC) and Ohio Revised Code (ORC).

Specifically:

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.

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

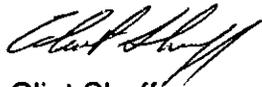
OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

ORC 3734.11(A) No person shall violate any section of this Chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.

You are in violation of the Court Order filed July 31, 2000, the Directors Final Findings and Orders issued October 5, 2004, and the above referenced rules. You must remove all solid wastes, scrap tires, and construction and demolition debris from your property and dispose of these wastes at an approved licensed facility, in accordance with the Court Order. The nearest facilities to you are Pike Sanitation and the Rumpke facility near Georgetown, Ohio. Please respond to me at this District Office within 15 days of receipt of this letter, to inform me of your intentions and actions taken to achieve compliance.

Should you have questions, please contact me at this office.

Sincerely,



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

CAS/jg

cc: Carl Mussenden, DSIWM, CO
cc: Jason Work, Adams County Health Department
cc: Paul Braasch, Adams-Clermont Solid Waste Management District, 2379 Clermont
Center Drive, Batavia, Ohio 45103
cc: Karen Sapp, Office of Emergency Management, Adams County