Environmental
Protection Agency
Governor
Lt. Governor
Director

September 20, 2011

**RE: NOTICE OF VIOLATION #4
OPEN DUMPING
COLUMBIANA COUNTY**

CERTIFIED MAIL AND REGULAR MAIL

Mr. Lavern F. Gossman, Jr.
601 Jefferson St.
PO Box 202
Salineville, Ohio 43945

Dear Mr. Gossman:

On September 16, 2011, I, representing the Ohio Environmental Protection Agency (Ohio EPA), observed a large open dump on property located to the east of State Route 644 and to the south of Dobson Road in Franklin Township, Columbiana County, Ohio. Columbiana County property records indicate that you are the owner of these properties. I did not observe anyone at this property at the time of this inspection.

It appeared while observing the property from Dobson Road that significant efforts are being made to clean up the property and to comply with Ohio EPA's Notices of Violation. Given the efforts that appear to be taking place to clean up the open dump located on your property(ies), I would greatly appreciate being able to meet with you at the property. I can be available to meet any day during the week of October 3, 2011. Please call me or email me at the number or address listed at the end of this letter and let me know which date(s) and time is best for you.

Upon completing my inspection, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) still exist at your property:

1. **Open Dumping of Solid Waste:** During this inspection large amounts of solid waste, including but not limited to, motor vehicle bodies, appliances, scrap tires, 55 gallon drums, televisions, heavy machinery bodies, miscellaneous metals, and miscellaneous solid wastes, among other things, were observed open dumped on this property.

   The open dumping of solid waste on this property is a violation of the following laws and rules:

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

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
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www.epa.ohio.gov

- **ORC Section 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."*

- **ORC Section 3734.02(C):** *"...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director..."*

- **ORC Section 3734.05(A)(1):** *"...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection..."*

- **ORC Section 3734.05(A)(2):** *"...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility..."*

- **OAC Rule 3745-27-05(C):** *"No person shall conduct, permit, or allow open dumping."*

- **OAC Rule 3745-37-01(A):** *"No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director..."*

In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all solid waste open dumped on this property and properly dispose of it in a licensed solid waste disposal facility. Metal items may be taken to a licensed salvage dealer to be recycled. Scrap tires must be transported via registered scrap tire transporter to a licensed scrap tire disposal facility. Receipts providing proof of disposal at a licensed solid waste facility, licensed salvage dealer, and licensed scrap tire disposal facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent solid waste from being open dumped on this property at all times in the future.

I have received no written correspondence from you in response to my previous Notices of Violation. Please address the above violations immediately, and notify me, ***in writing***, within **15** days of receiving this letter, indicating the measures which have been taken to correct these violations and what measures will be taken in order to prevent future illegal activities from taking place on this property.

Failure to correct the above violations in an expedient manner may result in escalated enforcement action being recommended against the owner(s) of this property by Ohio EPA.

You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: "http://www.epa.ohio.gov/dsiwm/pages/tire_docs.aspx".

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release you, the owner(s) of this property, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

Once again, I would appreciate the opportunity to meet with you at your property in order to discuss the requirements of this letter and to answer any questions you may have regarding this letter. Please contact me at (330) 963-1274 or e-mail me at "jerry.weber@epa.state.oh.us" to establish a date and time when we can meet. Thank you.

Sincerely,

Jerry W. Weber, R. S.
Environmental Specialist
Division of Materials and Waste Management

JWW/cl

cc: File: [Sowers/COUN/Columbiana County/GEN/15]

ec: Lori Barnes, Columbiana County Health Department
Joe Trocchio, DSW-NEDO

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Mr. Lavern F. Gossman, Jr.
601 Jefferson St.
PO Box 202
Salineville, Ohio 43945

PS Form 3800, August 2006 — See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Mr. Lavern F. Gossman, Jr.
601 Jefferson St.
PO Box 202
Salineville, Ohio 43945

COMPLETE THIS SECTION ON DELIVERY

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X [signature] ☐ Agent ☐ Addressee

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