OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

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

February 5, 2010

RE: NOTICE OF VIOLATION
OPEN DUMPING
CARROLL COUNTY

CERTIFIED MAIL

Gertrude Sheaks
6194 Bluebird Road NW
P.O. Box 145
Malvern, Ohio 44644

Dear Mrs. Sheaks:

On January 27, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint investigation at your property located at 6194 Bluebird Road (subject property) in Brown Township, Carroll County, Ohio. No one was present at this property at the time of this inspection. During the investigation, I observed open dumping of solid waste and scrap tires, and illegal disposal of construction and demolition debris on the subject property.

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

1. **Open Dumping of Solid Waste:** During this inspection solid waste, including but not limited to household waste, approximately 50 scrap tires, and yard waste (tree limbs, twigs and branches) were observed open dumped and partially buried on this property. A sofa and chairs previously observed open dumped were no longer visible in the area where open dumping and burying of waste had been occurring. 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 at a licensed solid waste disposal facility. Removal of solid waste includes removal of any solid waste that has been buried on this property. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent additional solid waste from being 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..."*

   - **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..."*

- **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."*

- **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..."*

2. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection C&DD wastes, including but not limited to disassembled manufactured homes, dimensional lumber, roofing shingles, insulation, flooring, and plumbing fixtures were observed illegally disposed and partially buried on this property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it at a licensed C&DD or solid waste disposal facility. Removal of C&DD includes removal of any C&DD that has been buried on this property. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

   The illegal disposal of C&DD on this property is a violation of the following laws and rules:

   - **ORC Section 3714.06(A):** *"No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license issued by...the director of environmental protection."*

   - **ORC Section 3714.13(A):** *"No person shall violate any section of this chapter."*

- **ORC Section 3714.13(B):** *"No person shall violate a rule adopted under this chapter."*

- **OAC Rule 3745-400-04(B):** *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

- **OAC Rule 3745-37-01((C):** *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

Please address the above violations immediately, and notify me, in writing, within 30 days of receiving this letter, indicating the measures which have been taken to correct these violations.

Failure to correct the above violations could result in escalated enforcement action being taken against the owner(s) of this property by Ohio EPA.

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 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.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,

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

JWW:cl

cc: Jeff Yeager, Carroll County Treasurer
David J. Demers, Demers & Adams, LLC,
File: [Kurko/COUN/Carroll County/GEN/10]