

**Environmental
Protection Agency**

Commissioner, Governor
Deputy Commissioner, Lt. Governor
Director, Director

August 13, 2010

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

CERTIFIED MAIL

Mr. Jerry Taylor
1819 Goshen Rd.
Salem, Ohio 44460

Dear Mr. Taylor:

On August 11, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), observed a large illegal landfill being operated on property located on Depot Road. The property is bounded to the south by Beacon Light Road. Columbiana County property records indicate that you, as of June 21, 2010, are the owner of this property. No one was present at this property at the time of this inspection.

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

1. **Open Dumping of Solid Waste:** During this inspection large amounts of solid waste, including but not limited to sofas, recliners, chairs, miscellaneous furniture, household waste, clothing, shoes, toys, signs, tree trunks, limbs and branches, brush, and a boat 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..."*

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. 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 solid waste from being open dumped on this property.

2. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection large amounts of C&DD wastes, including but not limited to dimensional lumber, roofing shingles, insulation, doors and construction material packaging were observed 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 3714.13(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."

ORC Section 3714.06(A): "No person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by...the director of environmental protection."

Mr. Jerry Taylor
August 13, 2010
Page 3

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..."*

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 in a licensed C&DD or solid waste disposal facility. 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.

This property must be secured, and open dumping of solid waste and illegal disposal of C&DD must be stopped immediately. There is indicated to be a history of pushing and burying wastes on this property. Burial of solid waste and C&DD must be stopped immediately. Please address the above violations immediately, and notify me, *in writing*, within 7 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 will result in escalated enforcement action being recommended 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 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.

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

Sincerely,



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

JWW:cl

cc: File: [Kurko/COUN/Columbiana County/GEN/15]
ec: Lori Barnes, Columbiana County Health Department