



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

December 15, 2008

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

CERTIFIED MAIL

Mr. William Catlett
11600 DeSelle Rd
Lisbon, OH 44432

Dear Mr. Catlett:

Columbiana County Tax Records indicate that you (Mark Ten Mining & Consulting, Inc.) are the owner of a property located on US Route 30/SR 45, immediately south of the entrance road to the A&L Salvage Landfill (A&L) in Elkrun Township, Columbiana County, Ohio (subject property). This property was formerly utilized by trucks accessing A&L. On November 4, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint investigation at the subject property. No one was present at the subject property at the time of this inspection. During the investigation, both open dumping and open burning of solid waste and construction and demolition debris (C&DD) were observed on the subject property.

I was able to meet with you on an adjacent property to discuss the nature of my investigation. At that time I explained to you that the fire needed to be extinguished. You asked if soil could be used to smother the fire, and I explained that soil could be utilized to smother the fire or water could be applied. I also informed you that if you did use soil to smother the fire, all of the solid waste and C&DD that was burning would have to be excavated and properly disposed after the fire was extinguished. Following our conversation I met with Ron Rager, the operator of A&L, to inform him regarding my investigation. Upon leaving A&L, I noticed that the smoke rising from the fire on your property was much heavier, so I returned to the subject property in order to determine what was occurring. At that time I observed you applying soil to the fire with your track hoe. I reiterated to you at that time that the burning wastes would have to be excavated and properly disposed after the fire was extinguished. You expressed your displeasure regarding this information and made a comment regarding having another strip pit that could be utilized for open dumping that I would not be able to find.

A follow up inspection of the subject property was conducted on November 14, 2008. At that time it was observed that the fire had been extinguished, and it appeared that waste that had been open dumped had been removed. Fresh soil was spread over the area, and additional leaves had been open dumped on top of the soil. No disposal receipts for the wastes that were apparently removed from the subject property have been received by Ohio EPA.

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

1. **Open Dumping of Solid Waste:** During the November 4 inspection solid waste, including but not limited to yard wastes, tree stumps, scrap tires, steel drums, air filters and oil filters from heavy equipment, an automobile muffler, cardboard boxes, general household waste, and two large tanks were observed open dumped on the subject property. In order to return to compliance with all applicable laws and rules, the owner(s) of the subject property must immediately remove all solid waste open dumped on the subject property and properly dispose of it at 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 the subject property must also take all necessary measures to prevent additional solid waste from being open dumped on the subject property.

The open dumping of solid waste on the subject 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..."*
- **OAC Rule 3745-27-05(C):** *"No person shall conduct, permit, or allow open dumping."*

2. **Open Burning of Solid Waste:** During the November 4 inspection evidence of solid waste and C&DD, including but not limited those items listed in violation number 1 above and number 3 below, was observed being open burned on the subject property. In order to return to compliance with all applicable laws and rules, the owner(s) of the subject property must immediately cease open burning of solid waste and C&DD at the subject property and ensure that no further illegal burning is conducted on the subject property. Further, all waste that was open burned on the subject property, as well as all ash generated as a result of the illegal burning of waste on the subject property, must be excavated and removed from the subject property and properly disposed 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 open burning of solid waste on the subject property is a violation of the following rule:

- **OAC Rule 3745-19-04:** *"No person or property owner shall cause or allow open burning in an unrestricted area..."*

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3. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection C&DD wastes, including but not limited to old dimensional lumber and an old wooden beam were observed illegally disposed 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. 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 rule:

- **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."*

Please address all of 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.

Failure to correct the above violations, or continuing to conduct open dumping and/or open dumping of solid waste on this or other properties, could result in escalated enforcement action being taken against the owner(s) of this property by Ohio EPA.

I have attached a brochure regarding Ohio's open burning regulations for your review.

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:c1
Attachment

cc: Darren Machuga, DAPC-NEDO
File: [Kurko/COUN/Columbiana County/GEN/15]

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Sent To *William Catlett*
Street, Apt. No.,
or PO Box No.
City, State, ZIP+4 *Lisbon, OH*