



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Putnam County
Open Dumping
Third Notice of Violation

CERTIFIED MAIL
7002 2410 0003 1155 8805

November 5, 2008

Mr. William Muncie
P.O. Box 43
Belmore, Ohio 45815

Dear Mr. Muncie:

On October 24, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted a drive by inspection of your property. The address for this property is 200 Elm Street, Belmore, Ohio. The purpose of this inspection was to determine if any action had been taken to correct violations outlined in notice of violations sent to you, via certified mail, on May 5, 2008 and July 17, 2008.

In an August 27, 2008 phone conversation you indicated that an effort would be made to remove the tires and solid waste from the property. Based on observations made during the inspection, it appears that no effort has been made to remove either the tires or the solid waste. Additionally, during the phone conversation, you had committed to sending a letter outlining a cleanup time frame, a letter has not been received.

OAC Rule 3745-27-05(C) states, 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(s) responsible for the open dumping, the owner of the property, or the person(s) who allow 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.

Ohio Revised Code (ORC) Section 3734.03 states, No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

Placement of the items outlined in the May 5, 2008 and July 17, 2008 notice of violations onto or into the ground constitutes open dumping. You, as owner of the property, are in violation of OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping. The owner/operator of the property is also in violation of ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating a solid waste disposal site without a permit and license.

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ORC Section 3734.02(C) states, Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility, or modify an existing solid waste facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director.

ORC Section 3734.05(A)(1) states, Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

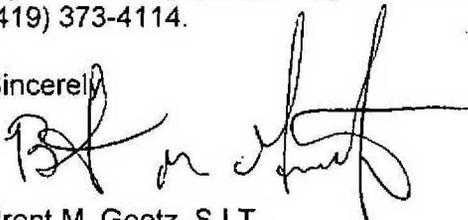
OAC Rule 3745-37-01(A) states in part, No person shall conduct municipal solid waste landfill operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted there under.

You will continue to be in violation of ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating an unlicensed and unpermitted solid waste landfill facility and OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping of solid waste at your property until all waste materials are removed.

You must respond, in writing, within 7 days from receipt of this notice of violation. The response shall include a complete schedule for removing solid waste from the aforementioned property for proper disposal. Note the copies of receipts shall be submitted to Ohio EPA in order to document proper disposal. If greater than ten scrap tires are transported at any one time, the removal of scrap tires must be done by a scrap tire transporter who is registered with Ohio EPA. You are required to maintain shipping papers for all tires removed from the property. Submit this response and documentation to my attention at: 347 North Dunbridge Rd. Bowling Green, Ohio 43402.

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-4114.

Sincerely,



Brent M. Goetz, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management
/csi

Enclosures

pc: Laura Gulker R.S., Putnam County Health Department
{File:Putnam County, Dump Sites}
ec: Mike Reiser, DSIWM-NWDO

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
1. Article Addressed to: MR WILLIAM MUNCIE PO BOX 43 BELMORE OH 45815 DSIWM/Brent G./csl	B. Received by (Printed Name) <i>Nina Muncy</i> C. Date of Delivery <i>11-10-08</i> D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
7002 2410 0003 1155 8805	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$.42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32
Sent To WILLIAM MUNCIE	
Street, Apt. No.; or PO Box No. PO BOX 43	
City, State, ZIP+4 BELMORE OH 45815	
PS Form 3800, June 2002 See Reverse for Instructions	