



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: Notice of Violation
Putnam County**

October 12, 2007

CERTIFIED MAIL

7006 0100 0003 7708 5916

Bruce R. Nemire
Ridge Road Trailer Court
201 Glancy Street
Columbus Grove, Ohio 45830

Dear Mr. Nemire:

On September 7, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), visited Ridge Road Trailer Court, 7487 State Route 12, in response to a referral from Dana Martin-Hayden of Ohio EPA's Division of Surface Water, concerning dumping of solid waste in the trailer park. Ms. Martin-Hayden also stated that some dumped material may have been burned. During my visit, I observed and photographed (see attached) a pile of solid waste in the grassy area at the south end of the trailer park. Items visible in the pile included a playpen, toys, three chairs, a sofa, brush and other miscellaneous debris.

Disposal of these materials at the trailer park constitutes open dumping of solid waste.

The pile of furniture and other items documented in the attached photo is solid waste, as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(24):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, . . . , and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

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Open dumping is defined (in pertinent part) in OAC Rule 3745-27-01(O)(4) as:

The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.

The owner/operator of Ridge Road Trailer Court is in violation of OAC Rule 3745-27-05(C) and Ohio Revised Code (ORC) Section 3734.03, which state:

1. OAC Rule 3745-27-05(C), which states in pertinent part:
No person shall conduct, permit, or allow open dumping. . .
2. ORC Section 3734.03, which 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.

These violations will continue until the solid waste described above is removed and properly disposed at a solid waste disposal facility. Included for your convenience is a list of licensed solid waste facilities. Mail receipts documenting proper disposal of the waste to my attention at:

Ohio EPA - NWDO
Attn: Kimberly Burnham
347 N. Dunbridge Road
Bowling Green, Ohio 43402

Ohio EPA suggests that the owner/operator of the trailer park make arrangements for collection and disposal of the residents' household trash and other waste, if such arrangements are not already in place. The owner of the property can be held legally responsible for improper disposal activities that occur on the property, even if he/she did not participate in the illegal activities. The pile of material I observed is not the same as what Ms. Martin-Hayden observed during her May 17, 2007 inspection, which may indicate a pattern of improper disposal activities.

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In addition, although no open burning was observed during my September 7, 2007 visit, it appeared as though burning may take place in the area where the solid waste was piled. Please be advised that open burning is a strictly regulated activity in Ohio. Evidence of open burning at this site may result in a violation of OAC Chapter 3745-19 and is subject to a fine of up to \$25,000 per day for each violation. For additional information regarding open burning, please contact Mr. Joe Grob with the Ohio EPA Division of Air Pollution Control at the Northwest District Office at (419) 373-3120.

This correspondence addresses specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator of the property from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please contact me at (419) 373-3049.

Sincerely,



Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/csl

Enclosure

pc: Putnam County Health Department
Kimberly Burnham, DSIWM, NWDO
; File: Putnam County, Dump Sites

ec: Dana Martin-Hayden, DSW, NWDO
Joe Grob, DAPC, 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Bruce Nemire</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Bruce Nemire</i> C. Date of Delivery <i>10-13-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>MR BRUCE R NEMIRE RIDGE ROAD TRAILER COURT 201 GLANCY ST COLUMBUS GROVE OH 45830</p> <p>DSIWM/Kim B./csl</p>	<p>3. Service Type</p> <p><input 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.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7006 0100 0003 7708 5916</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

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<p>Sent To</p> <p>Street, Apt. No., or PO Box No. <u>RIDGE RD TRAILER COURT</u> <u>201 GLANCY ST</u> City, State, ZIP+4 <u>COLUMBUS GROVE OH 45830</u></p>											
PS Form 3800, June 2002 See Reverse for Instructions											



09/07/2007