



State of Ohio Environmental Protection Agency

Southeast District Office

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

September 12, 2007

**RE: GUERNSEY COUNTY
SITE - GEN**

Mr. Dave Perry
8985 Northgate Drive
Cambridge, Ohio 43725

Dear Mr. Perry:

On September 11, 2007, I met with you in your office and later conducted a follow-up inspection at property you own along Wheeling Avenue in Cambridge, Ohio. This meeting and follow-up inspection was conducted to determine whether any action had been initiated to remove solid waste and construction & demolition debris open dumped and illegally disposed of at the Wheeling Avenue site.

As I indicated during our discussion, in March 2007, I conducted an initial complaint investigation at the site and found construction and demolition debris (C&DD) and solid waste dumped over the hill toward the rear of the property. Evidence of open dumping of solid waste and illegal disposal of C&DD waste was observed at multiple locations along Wheeling Avenue. We later met at the site on May 3, 2007, and viewed and discussed the situation. At that time, you indicated that efforts would be made to remove all illegal waste.

As of this most recent inspection and pursuant to our conversation, it appears that some solid waste and demolition debris has been removed from the site. Receipts from the Cambridge Transfer Facility were available showing disposal of an unknown amount of waste. However, some solid waste and construction & demolition debris remain at the location adjacent to the log home at the upper end of Wheeling Avenue.

Based on my observation on September 11, 2007, the site continues to be in violation of open dumping of solid waste and illegal disposal of C&DD waste. As I have previously indicated, open dumping of solid waste and illegal disposal of C&DD waste are violations of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) - 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.

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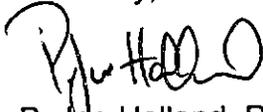
OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Although some measure of remedial action has been implemented, complete removal of all open dumped solid waste and illegally disposed of construction & demolition debris must be accomplished for compliance. In addition, restricting access to the area and grading the clean hard fill at the site should help control future illegal activity.

During our conversation on September 11, 2007, you indicated that all solid waste and construction & demolition debris would be removed no later than October 1, 2007. I will conduct another inspection the first week of October to determine compliance. Please be advised that failure to properly abate the violation may result in escalated enforcement action by this agency.

If you have any questions regarding this letter, please contact me at 740-380-5439.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid & Infectious Waste Management
Southeast District Office

PJH/jg

cc: Randy Shepard, Guernsey County Health Department
Kim Conrath, Code Enforcement Officer, 1131 Steubenville Ave., Cambridge