



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

July 5, 2011

**RE: GUERNSEY COUNTY  
SITE-GEN**

Brian Messenger  
59900 Clagget Road  
New Concord OH 43762

Mr. Messenger:

On June 22, 2011, Ohio EPA received a complaint that the household waste that you have been depositing on your property has been creating a nuisance and a health hazard by being a food source for rats. It is illegal to dispose of your own waste on your own property if that waste creates a nuisance or a health hazard.

On June 29, 2011, I attempted to investigate this complaint. During this investigation, I spoke with your son and daughter about the above stated complaint; they refused to grant me access to the rear of your property where the waste is reported to be located, and they informed me that your family has begun burning the waste.

Please be advised that wastes generated within a single-family residence, and disposed of on the premises where generated in a manner that creates a nuisance or health hazard is considered open dumping of solid waste which is a violation of Ohio Revised Code (ORC) and Ohio Administrative Code (OAC). Specifically:

**Ohio Revised Code (ORC) Section 3734.03** - No person shall dispose of solid wastes by open dumping or open burning.

**Ohio Administrative Code (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 responsible for the open dumping, the owner of the property, or the person who allows 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.

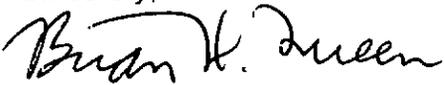
Open dumping constitutes a violation of these statutes. Please take steps to remove the solid waste and properly dispose of it. The accumulated solid waste should be legally disposed of at a licensed solid waste facility.

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Please provide a copy of your disposal receipts to this office. Please respond in writing within 20 days of receipt of this letter as to your intentions to address the violations that exist on this property.

I have included a pamphlet on open burning and on the prevention and control of rats. Should you have any questions regarding this letter, please feel free to contact me at (740) 380-5438.

Sincerely,



Brian H. Queen, R.S.  
Division of Materials and Waste Management

BHQ/jg

Attachments

cc: Ryan Murphy, R.S., Guernsey County Health Department  
Liz Carter, 59936 Clagget Rd., New Concord OH 43762