



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

July 13, 2009

**RE: HARRISON COUNTY
SITE – GENERAL**

Mr. Ivan Vale
87101 Vale Road
Jewette, Ohio 43986

Dear Mr. Vale:

On June 11, 2009, the Southeast District Office of the Ohio Environmental Protection Agency (EPA) conducted a follow up inspection regarding a notice of violation that was issued to you on May 14, 2009, regarding the open dumping of solid waste on property owned by you. The illegal dump site is located on Hanover Ridge Road and Vale Road, Archer Township, Harrison County, Ohio.

On June 1, 2009, I received a call from Mr. James Skipper who indicated that he had cleaned up the illegal dump site and had blocked the entrance. In response to Mr. Skipper's phone call, I conducted a re-inspection of this property on June 11, 2009. During my inspection, I observed that a large amount of solid waste and construction and demolition debris still remained on the property. On June 11, 2009, I spoke with your wife and Mr. Skipper regarding the situation. On June 12, 2009, I spoke with you and explained that all the illegally disposed of solid waste and demolition debris must be removed and taken to an approved disposal facility. As discussed at that time, I would recommend that test holes be dug so that I can determine how deep the waste may be. At this time, I am requesting that you provide a written letter detailing the actions that will be taken to correct these violations and a plan to bring this site into compliance.

Open dumping of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). In addition, the illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the OAC. 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.

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

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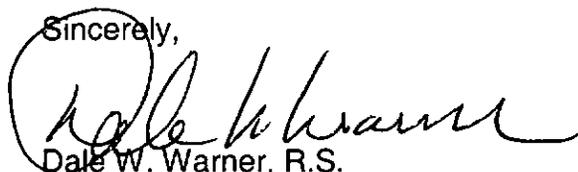
Therefore, you remain in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

In addition, open dumping of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Harrison County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

Open dumping of solid wastes on your Hanover Ridge Road property should cease immediately. All solid waste and C&DD should be removed from the property and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the approved disposal facility that receives the waste and provide copies to this District Office in order to document your compliance.

Please respond to this letter, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste regulations and laws. Should you have any questions or would like to set up a meeting on-site to discuss this situation further, please contact me at (740) 380-5435.

Sincerely,



Dale W. Warner, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste

DW/jg

cc: Harrison County Health Department
James Skipper, 87451 Vale Road, Jewett, Ohio 43986