



**Environmental
Protection Agency**

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

May 24, 2011

**RE: HARRISON COUNTY
SITE – GENERAL**

Mr. Kenneth Buell
541 Ramonford Court
Westerville, Ohio 43081

Dear Mr. Buell:

On September 7, 2010, a notice of violation was issued to you by the Ohio Environmental Protection Agency (Ohio EPA), Southeast District Office (SEDO), regarding the open dumping of scrap tires and other solid waste on property owned by you on Hanover Ridge Road in Harrison County, Ohio. On May 11, 2011, I conducted a follow up inspection and observed most of the scrap tires had been removed by Ohio EPA's abatement contractor. As discussed with you in September of 2010, you are ultimately responsible for the cleanup of any remaining scrap tires as well as any solid waste not removed by our abatement contractor. At the time of my inspection on May 11, 2011, solid waste remained open dumped on your property.

Please be advised that 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.

Therefore, the Village of Jewett is currently in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

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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 waste and construction and demolition debris should cease. All solid waste and construction and demolition debris 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 the actions that will be 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 Materials and Waste Management

DW/jg

cc: Harrison County Health Department