

**Environmental  
Protection Agency**

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

May 24, 2011

**RE: HARRISON COUNTY  
SITE – GENERAL**

Mr. William Bush  
2421 Eastlawn Avenue  
Akron, Ohio 44305

Dear Mr. Bush:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) recently conducted an investigation into possible open dumping of solid waste into a stream running through your property on Lees Run Road. In response to the complaint, I conducted an inspection of this property on May 11, 2011. At the time of my investigation, I observed tires in the stream located on your property on Lees Run Road, Harrison County, Ohio.

In accordance with Ohio law, as the legal property owner, you are ultimately responsible for any illegal actions that take place on your property. This could include the cleanup of the above referenced illegal dumping.

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.

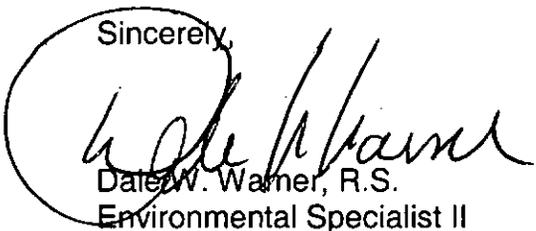
Therefore, you are currently in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

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 waste on your Lees Run Road property should cease. All solid waste 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, 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