



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

March 16, 2009

**RE: HARRISON COUNTY
SITE - SPROUL DUMP**

Ms. Ellen Sproul
36440 Kennedy Ridge Road
Freeport, Ohio 43973

Dear Ms. Sproul:

Please be advised that Ohio EPA's Southeast District Office received a complaint that open dumping of miscellaneous solid waste has been illegally dumped on your property, located at the above referenced address.

As you recall, Harrison County Wildlife Officer, Neil Lynskey and I met with you to discuss the open dumping complaint and inspect your Kennedy Ridge Road property. During my inspection, I observed a large quantity of solid waste illegally dumped in several locations along a stream that is on your property.

Please be advised that the open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC). In addition, the illegal disposal of C&DD is a violation of Chapter 3745-400 of the OAC. Specifically:

Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC).

ORC 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.

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 dump.

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

You are also in violation of ORC 3767.13(B) which states that no person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

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Please be advised that the solid waste that has been illegally dumped along the stream also represents a potential violation of ORC 6111.04, which states, in part, that no person shall cause pollution or place or cause to be placed any sewage, industrial waste, **or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby declared to be a public nuisance.**

An environmental and public health and safety concern associated with the disposal of solid waste near your stream bank is that periods of high water in the stream could result in this material being washed downstream where it could collect under bridges, plugs culverts and cause flooding of private property and roads.

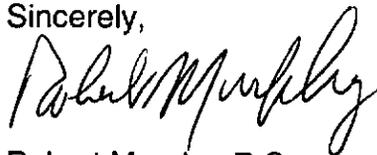
In addition, open dumping and open burning of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Harrison County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

The open dumping of solid waste must cease immediately. 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 fifteen (15) days and detail the actions taken to correct the above cited violations and bring your Kennedy Ridge Road property into compliance with Ohio EPA's solid waste regulations and laws. Please submit copies of receipts from the licensed disposal facility receiving your wastes to document proper disposal.

Should you have any questions, please contact me at (740) 380-5408.

Sincerely,



Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office

RM/jg

cc: Jamie Howell, Harrison County Health Department