



**Environmental
Protection Agency**

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

May 23, 2011

**RE: HARRISON COUNTY
SITE - GENERAL**

Ms. Cathy Gidley
38340 Lees Run Road
Cadiz, Ohio 43907

Dear Ms. Gidley:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint that open dumping of solid waste is occurring on property owned by you. The illegal dump site is located on property located at 38340 Lees Run Road, Harrison County, Ohio.

In response to the complaint, I conducted an inspection of this property on May 11, 2011. During my inspection, I observed a small amount of solid waste disposed of in the creek.

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.

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).

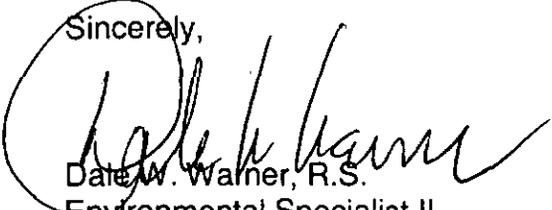
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In addition, open dumping of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Harrison County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this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

Open dumping of solid wastes 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) 380-5408.

Sincerely,



Dale W. Warner, R.S.
Environmental Specialist II
Division of Materials and Waste Management

DW/jg

cc: Harrison County Health Department