



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 9, 2007

**RE: LAWRENCE COUNTY
SITE GENERAL
20070215**

Mr. Jim Robinson
P.O. Box 1097
County Road 52
South Point, Ohio 45680

Dear Mr. Robinson:

The Southeast District Office of the Ohio EPA received a complaint that open dumping and open burning of solid waste is occurring on property located off of County Road 52, in Lawrence County, Ohio.

I conducted an investigation of the site on May 9, 2007; I was accompanied by Bob Stern, Litter Control Officer with the Lawrence and Scioto County Solid Waste Management District. During this inspection, I observed solid wastes dumped onto the ground. I also observed paint waste on pallets and the ground. I observed several 1 gallon, 5 gallon, and smaller containers of paint and thinner products at the property that have not been evaluated to determine if they are hazardous wastes. You must evaluate these wastes by taking representative samples of the materials for laboratory testing, and forward the results to Ohio EPA. The paint wastes should be analyzed for the hazardous waste characteristics of ignitability, corrosivity, and TCLP (toxicity characteristics leaching procedure) volatiles and metals.

Be advised that if the paint and thinners are hazardous wastes, they will have to be disposed of at a permitted treatment, storage disposal (TSD) facility.

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).

Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 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 responsible for the open dumping, the owner of the property, or the person who allows 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.

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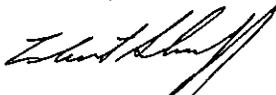
OAC 3745-52-11, Hazardous Waste Determination: Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste.

Open dumping of solid waste must cease immediately. All solid wastes disposed at the described location must be removed from the property and taken to a licensed solid waste disposal facility or recycled. Obtain copies of receipts from the landfill or recycling facility that received the waste and provide those copies to this District Office in order to document your compliance. Please respond to this District Office within fifteen days of receipt of this letter to inform me of your intentions and actions regarding the open dump.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246. If you have questions about the paint evaluation or disposal, contact Scott Bergreen (740) 380-5288.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

cc: Lawrence County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District
cc: Scott Bergreen, DHWM, SEDO