



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

July 31, 2008

**RE: LAWRENCE COUNTY
DONALD ASHWORTH FILE**

Mr. Donald J. Ashworth
1750 County Road 1
South Point, Ohio 45680

Dear Mr. Ashworth:

On July 22, 2008, as I was driving on County Road # 1, I observed grading activity that appears to be soil cover being added to dump site # 2. This property is parcel # 15-103-0900000 located behind the garage on County Road 1. I observed that you have not removed waste and debris from any of the dump sites. This would include dump site 0 located on parcel #15-136-1400000, and dump site # 1 on parcel # 15-136-04000000.

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).

You are in violation of the following rules:

ORC Section 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 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.

OAC Rule 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

ORC 3714.06(A) No person shall establish operate or maintain a construction debris facility without an annual construction and demolition debris facility operation license from the director of environmental protection.

OAC Rule 3745-37-01(C) No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority.

Open dumping of solid waste and illegal disposal of demolition debris must cease immediately. All solid wastes and demolition debris disposed at the described location must be removed from the property and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill 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 taken to achieve compliance.

LAWRENCE COUNTY
SITE – ASHWORTH
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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.

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: Barry Chapman, DSIWM, CO
cc: Sari Mandel, Office of the Ohio Attorney General
cc: David E. Northrop, Esquire, Porter, Wright, Morris and Arthur