



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

October 30, 2007

**RE: MUSKINGUM COUNTY
SITE - ANDERSON PROPERTY**

Mr. Jeffery Anderson
4670 Cannelville Road
Roseville, Ohio 43777

Dear Mr. Anderson:

Please be advised that on October 17, 2007, I conducted a follow up inspection of your property located at 4670 Cannelville Road, Roseville, Ohio. The purpose of my inspection was to determine the status of your compliance with Ohio EPA's solid waste and scrap tire regulations and laws.

Previous correspondence advised you that it appears various kinds of scrap metal, miscellaneous vehicle parts, numerous scrap vehicles, several dozen scrap tires and miscellaneous household solid waste have been illegally disposed of on your Cannelville Road. Based on observations during my recent inspection, it appears that a significant amount of the above referenced material remains illegally disposed of on this property. As stated in previous correspondence, the illegal disposal of this material is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). 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.

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

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As stated above, it appears that several dozen scrap tires remain deposited on your Cannelville Road property. You had previously stated that you intend to use these scrap tires on vehicles you utilize for your work. Please be advised that Ohio EPA's scrap tire law requires the control of mosquitoes related to any storage of scrap tires.

Pursuant to (OAC) Rule 3745-27-60(B)(8)(a) and (b), the following must be done to control mosquito populations: (1) remove liquids from the scrap tires and immediately store the scrap tires such that water does not accumulate in scrap tires or containers, or (2) apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than (30) day intervals or as recommended by the manufacturer or formulator.

You stated that you will consolidate your scrap tires into one location and cover them in a manner that will prevent the scrap tires from collecting water. Based on my recent inspection, it appears that on significant number of your scrap tires are not being stored in a manner that would prevent water from collecting in the tires. Therefore, please provide documentation that your scrap tires are being stored in compliance with OAC Rule 3745-27-60(B)(8). Until the requested documentation is received by Ohio EPA's Southeast District Office, you will remain in violation of this OAC rule.

It appears that solid waste has been disposed of near the stream located behind your mobile home. Please be advised that this surface water stream is considered waters of the State of Ohio. The solid wastes that have been illegally dumped along the stream 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.**

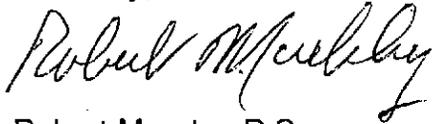
In addition, open dumping and open burning of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Muskingum County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

Please be aware that, the above cited violations will remain in effect until such time as the solid wastes illegally dumped at the above referenced location are removed and taken to licensed solid waste facility for proper disposal, and the scrap tires on your Cannelville property are being stored in compliance with OAC Rule 3745-27-60(B)(8), or have been removed 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.

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Please respond to this letter, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's EPA's solid waste and scrap tire regulations and laws. 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

RB/cb

cc: Muskingum County Health Commissioner