



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

March 11, 2009

**RE: MUSKINGUM COUNTY ;
SITE - BROWN/SHAW PROPERTY**

James Brown & Rosetta Shaw
6040 Farabee Road
Zanesville, Ohio 43701

Certified Letter
70073020000178821107

Dear Mr. Brown & Ms. Shaw:

As you recall, my previous letters informed you that the Ohio Environmental Protection Agency's (EPA) Southeast District Office received a complaint alleging that solid waste is being improperly disposed of on property owned by you. This property is located at the above referenced address. Please be advised that on March 10, 2009, I conducted a follow up inspection of your Farabee Road property.

At the time of my March 10, 2009, inspection, a large volume of miscellaneous household trash, as well as, some scrap metal, scrap tires and demolition debris remain illegally disposed of on your Farabee Road property.

As stated in my previous letters to you, Ohio Administrative Code (OAC) Rule 3745-27-01(B)(23) defines open dumping as the deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Ohio Revised Code Chapter 3734 and OAC Rules 3745-27 and 3745-37.

Please be advised that 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 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.

Since a large quantity of solid waste has been open dumped on your Farabee Road property, and it appears that open burning has occurred, you are in violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C).

OAC Rule 3745-400-04(B) states that no person shall conduct or allow illegal disposal of construction and demolition debris, as defined by rule 3745-400-01 of the Administrative Code.

Since a large quantity of C&DD has been illegally disposed of on your Farabee Road property, you are in violation of OAC Rule 3745-400-04(B).

**MUSKINGUM COUNTY
SITE – BROWN/SHAW PROPERTY
MARCH 11, 2009
PAGE 2**

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.

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.

Open dumping of solid wastes and the illegal disposal of C&DD on your Farabee Road property should cease immediately. All solid waste and C&DD 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.

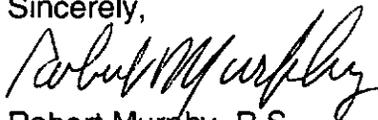
Please be advised that the above cited violations will continue to accrue daily, until such time as your Farabee Road property is in compliance with Ohio EPA's solid waste and C&DD regulations and laws.

My previous letters to you requested that you respond, in writing, within 15 days and detail your intentions and any actions you plan to take to comply with Ohio's solid waste and C&DD regulations and laws. To date, I have not received a response to my previous letters.

I am again requesting that you please respond to this letter, in writing, within 15 days, detailing your intentions and any actions you plan to take to comply with Ohio's solid waste and C&DD 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

RM/cb

cc: Muskingum County Health Commissioner