



**Environmental
Protection Agency**

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

September 8, 2011

**RE: MUSKINGUM COUNTY
SITE - GENERAL**

Mr. David Dunkle
965 Back Run Road
Philo, Ohio 43771

Dear Mr. Dunkle:

On July 5, 2011, the Ohio Environmental Protection Agency received a complaint concerning property owned by you (parcel #20-60-18-09-00) north of Back Run Road in Muskingum County. This complaint alleged the open dumping of construction and demolition debris and solid waste on this property. On July 14, 2011, I investigated this complaint and found it to be valid. I observed a dumpsite at the top of the hill (up a grassy drive), which appeared to contain construction and demolition debris (primarily lumber), tires, and other solid waste. I forwarded a letter to you, dated July 19, 2011, regarding this matter.

On August 30, 2011, I performed a follow-up inspection and noted that most of the material had been burned. A number of tires were still present, along with some segregated lumber.

Please note that the above noted open dumping and open burning is in violation of Ohio Revised Code (ORC) chapter 3734.03 and open dumping is in violation of Ohio Administrative Code (OAC) 3745-27-05(C).

ORC 3734.03 states in part:

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

OAC 3745-27-05(C) states:

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.

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My original letter to you stated that the material needed to be properly disposed of or recycled. Open burning of the material was not authorized. Please be advised that this issue will be forwarded to the Ohio Environmental Protection Agency, Division of Air Pollution Control for their consideration. The remnants of the burn pile must still be properly disposed of at a licensed solid waste disposal facility. The tires must be taken to either a licensed or registered scrap tire collection, recovery or disposal facility. Please note that anyone transporting more than ten (10) scrap tires must be registered with Ohio EPA as a Scrap Tire Transporter. The remaining lumber must be properly disposed of or recycled.

Please respond to this correspondence within 14 days of receipt. Your response should include details of your actions taken to properly dispose or recycle the current waste on your property. Please include copies of any receipts documenting the proper disposal of the noted solid waste.

If you have any questions, please feel free to contact me at this office. You can reach me either by mail or by calling me at (740) 380-5428.

Sincerely,



Mark Mansfield
Environmental Specialist II
Division of Materials and Waste Management

MM/jg