



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

April 16, 2007

**MUSKINGUM COUNTY
SITE - 3630 GRANGER HILL DUMP**

Mr. Richard A. Baker
Deselm & Baker
819 Steubenville Avenue
Cambridge, Ohio 43725

Dear Mr. Baker:

I am writing in regards to property located at 3630 Granger Hill Road, Zanesville, Ohio, which is owned by your client, Mr. Joseph Swarts. As you recall, my June 12, 2006, letter to you explained that Ohio EPA's Southeast District Office received a complaint that open dumping and open burning of solid waste, as well as, the illegal disposal of construction and demolition debris (C&DD) had occurred on Mr. Swarts' Granger Hill Road property.

Please be advised that on April 10, 2007, I conducted a follow up inspection of the above referenced property. Based on my recent inspection, it appears that the open dumping of solid waste and the illegal disposal of C&DD observed during my previous inspections, continues to exist on Mr. Swarts' Granger Hill Road property.

Your July 11, 2006, letter to me states that you had communicated with an engineer who had been to the site and you hoped to be able to respond to my previous letter in the near future. To date, your July 11, 2006, letter is the last correspondence I've received from you, or Mr. Swarts, regarding the Granger Hill Road property.

Open dumping and open burning of solid waste and the illegal disposal of C&DD are violations of Ohio Revised Code (ORC) Chapters 3734.03 and 3714, as well as, Ohio Administrative Code (OAC) Rules 3745-27-05(C) and 3745-400-04(D). 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.

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