



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

April 2, 2007

**MUSKINGUM COUNTY
SITE - S. COVE LANE**

Mr. Fredrick and Ms. Barbara Harper
1112 Ridge Avenue, Apt. 2
Zanesville, Ohio 43701

Dear Fredrick and Barbara:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint that open dumping and open burning of solid waste is occurring on property owned by you. The illegal dump site is located at 1664 South Cove Lane, Union Township, Muskingum County, Ohio.

In response to the complaint, I conducted an inspection of your South Cove Lane property and observed a large amount of solid waste consisting of general household trash and more than one hundred scrap tires that have been illegally disposed of at this location. It appeared that open burning of solid waste and scrap tires is also occurring on your property. I observed a large area, near the stream on the east side of your South Cove Lane property, where numerous scrap tires and other solid wastes have been burned.

Please be advised that open dumping and open burning of solid waste and scrap tires are violations 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.

As the legal property owner, you are ultimately responsible for any illegal actions that take place on your property. Therefore, you are currently in violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C).

Ohio EPA's scrap tire law requires the control of mosquitoes related to any storage of scrap tires. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow fever, and Dengue Fever and the West Nile virus. The West Nile Virus has been detected in Ohio and is now present in every Ohio county.

OAC Rule 3745-27-60(B)(8) requires that one or more of the following shall be done to control mosquitoes at the premises:

- (a) remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

**MUSKINGUM COUNTY
SITE - S. COVE LANE
APRIL 2, 2007
PAGE 2**

- (b) apply or arrange for the application of a pesticide or larvicide, which is registered for use as a mosquito control by the Ohio Department of Agriculture at no greater than 30 day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.
- (c) use another method of mosquito control which is approved by Ohio EPA.

Please send this District Office the information outlined in OAC Rule 3745-27-60(B)(8). Until this information is received documenting your compliance, you are in violation of OAC Rule 3745-27-60(B)(8).

Please be advised that you are currently in violation of the following OAC Rule 3745-27-60(B)(1) states that the storage of scrap tires in any amount outside or inside a building shall be deemed a nuisance, a hazard to public health or safety, or a fire hazard unless the tires are stored with sufficient drainage such that water does not collect in the tires or in the area where the tires are stored. The scrap tires located on your South Cove Lane property are not being stored with sufficient drainage such that water does not collect in the tires. Therefore, you are in violation of OAC Rule 3745-27-60(B)(1).

Please be advised that the above cited violations will continue to accrue daily, until such time as your South Cove Lane property is in compliance with Ohio EPA's solid waste and scrap tire regulations and laws.

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 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 and open burning of solid waste and scrap tires on your South Cove Lane property must cease immediately. All solid waste and scrap tires must be removed from the property and taken to a licensed disposal facility for proper disposal. Please be advised that if more than ten (10) scrap tires are transported in a single load, they must be transported by a registered scrap tire transporter. I have attached to this letter a list of authorized Ohio scrap tire facilities and scrap tire transporters.

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 respond to this letter, in writing, within 7 days and detail your intentions and any actions you plan to take to comply with Ohio's solid waste and scrap tire regulations and laws. Failure to bring your property into compliance with Ohio EPA's solid waste and scrap tire regulations and laws will result in an escalated enforcement action by Ohio EPA.

MUSKINGUM COUNTY
SITE - S. COVE LANE
APRIL 2, 2007
PAGE 3

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

RM/jg

cc: Jason Tilton, Muskingum County Health Department