



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
Laura H. Powell, Acting Director

January 23, 2007

**RE: MUSKINGUM COUNTY
SITE - GEN**

Ms. Tammy Evans
P.O. Box 97
Duncan Falls, Ohio 43734

Dear Ms. Evans:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency received a complaint that solid waste is being open dumped on property owned by you. This property is located at 2895 Rowland Lane, Chandlersville, Ohio, in Section 10 of Salt Creek Township.

In response to the complaint, I conducted an inspection of the above referenced property on January 4, 2007. During my inspection, I observed solid wastes consisting of miscellaneous household trash, old furniture and scrap metal illegally disposed of at this location. Also located on this property is a mobile home with most of the front wall missing. A significant amount of miscellaneous household trash remains in the mobile home. This material is easily accessible to a variety of animals that appears to have scattered some of it around the property. It appears that open burning of solid waste is also occurring at this site.

Please be advised that the open dumping and open burning of solid waste 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.

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

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.

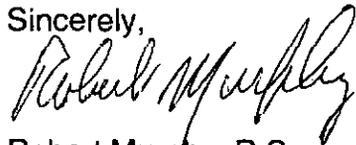
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In addition, open dumping and open burning of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Muskingum County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law.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

Open dumping of solid wastes on your Rowland Lane property should cease immediately. All solid waste 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 respond to this letter, in writing, within 15 days and detail your intentions and any actions you plan to take to comply with Ohio's solid waste 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

012307BM9/NOV/jg

cc: Muskingum County Health Department