



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, OH 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

January 2, 2007

**RE: MUSKINGUM COUNTY
SITE - BREWSTER GROVE RD.**

Mr. Henry Hess
321 Wayne Avenue
Zanesville, Ohio 43701

Dear Mr. Hess:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency received a complaint that open dumping of solid waste is occurring on property owned by you. Based on records at the Muskingum County Courthouse in Zanesville, you are the owner of property located at 2780 Brewster Grove Road, Salt Creek Township, Muskingum County, Ohio.

On December 19, 2006, I conducted an inspection of the property and observed household trash, scrap tires and miscellaneous scrap metal illegally disposed of at this location. Please be advised that this activity is considered open dumping of solid waste.

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.

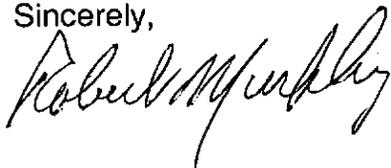
In accordance with Ohio law, property owners can be held ultimately responsible for any illegal activity which occurs on their property. Therefore, you are in violation of ORC 3734.03 and OAC Rules 3745-27-05(C).

All solid waste disposed of on your Brewster Grove Road property must be removed and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the licensed disposal facility that received the waste and provide copies to this District Office in order to document your compliance.

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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,

A handwritten signature in cursive script, appearing to read "Robert Murphy".

Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office

010207BM2/NOV/jg

cc: Muskingum County Health Commissioner