



State of Ohio Environmental Protection Agency

Southeast District Office

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

June 29, 2009

**RE: MUSKINGUM COUNTY
SITE - JAMES PROPERTY/ADAMSVILLE ROAD**

Mr. Dan James
3000 Dillion School Drive
P.O Box 1420
Zanesville, Ohio 43702-1420

Dear Mr. James:

Please be advised that on June 23, 2009, I conducted a follow up inspection of your State Route (S.R.) 93 (Old Adamsville Road) property, near the intersection of Coal Run Road. I was accompanied during this inspection by Mr. Trevor Irwin and Mr. Mark Mansfield, also with Ohio EPA's Southeast District Office. The purpose of my inspection was to determine if violations of Ohio EPA's, solid waste, construction and demolition debris (C&DD) and scrap tire regulations and laws continue to exist on this property.

As observed during several previous inspections, it appeared that demolition debris, solid waste consisting of miscellaneous household trash, as well as, several hundred scrap tires, remain illegally disposed of on your S.R. 93 property. As stated in my previous letters to you, as the legal owner of this property, you are ultimately responsible for the removal and proper disposal of any solid waste and C&DD that has been open dumped and illegally disposed on your property.

I am again advising you open dumping of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). In addition, the illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the 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.
- OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Therefore, you remain in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

MUSKINGUM COUNTY
SITE - JAMES PROPERTY/ADAMSVILLE ROAD
JUNE 29, 2009
PAGE 2

You also remain 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 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, scrap tires and the illegal disposal of C&DD on your S.R. 93 property should cease immediately. All solid waste and C&DD should be removed from the property and taken to a licensed disposal facility for proper disposal.

All the scrap tires on this property, including the heavy equipment tires near the former race track, should also be removed for proper disposal. The scrap tire disposal facility closest to your S.R. 93 property is the Dave Campbell Class II Scrap Tire Recovery Facility located on Maysville Pike in Zanesville. Please be advised that more than ten (10) scrap tires transported in a single load must be transported by a registered scrap tire transporter.

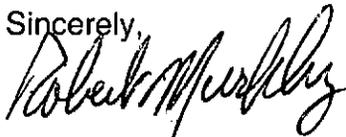
The above cited violations, for the most part, have been constant and recurring and it is evident that no effort is being made by you to bring your S.R. 93 property into compliance with Ohio EPA's solid waste, scrap tire and C&DD regulations and laws.

The above cited violations will continue to accrue daily until such time as your S.R. 93 property is in compliance with Ohio's solid waste, scrap tire and C&DD regulations and laws.

I am again requesting that you respond to this letter, in writing, within 10 days, detailing your intentions and actions taken to comply with Ohio's solid waste, scrap tire and C&DD regulations and laws. Please obtain copies of receipts from the licensed disposal facility that received the solid waste, C&DD and scrap tires and provide copies to Ohio EPA's Southeast District Office in order to document your compliance.

If you have any questions, please contact me at (740) 380-5408.

Sincerely,



Robert Murphy, R.S.
Environmental Specialist II
Division of Solid & Infectious Waste Management

RM/mlm

cc: Muskingum County Health Commissioner
Trevor Irwin, DSIWM, SEDO