



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 3, 2007

**MUSKINGUM COUNTY
SITE - GENERAL**

Mr. Morris Trout
4509-1/2 Darlington Road
Zanesville, Ohio 43701

Dear Mr. Trout:

As you recall, I met with you at the above referenced address and informed you that the Ohio Environmental Protection Agency's (EPA) Southeast District Office received a complaint that scrap tires are being burned on your property.

During my inspection of this property, I observed an area where it appeared that three or four scrap tires had been burned. You explained that you had been burning trash which resulted in the scrap tires also burning.

As we discussed during my inspection, illegal disposal of solid waste constitutes open dumping. Scrap tires are defined by Ohio EPA as a solid waste. Open dumping and open burning of solid wastes are violations 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 - 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 in violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05.

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.

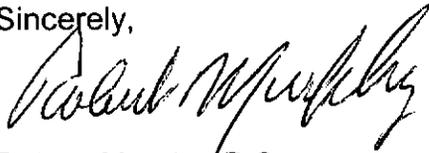
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In addition, open dumping and open burning of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Muskingum County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law.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

Open dumping of solid wastes on your Darlington Road 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.

I recommend that you contact a reliable licensed trash hauling service to properly remove and dispose of any solid waste generated at your residence. 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

RM/jg

cc: Muskingum County Health Department