



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

July 31, 2008

**RE: SCIOTO COUNTY
SITE - FLETCHER DUMP
NOTICE OF VIOLATION**

Mr. Elijah Fletcher
P.O. Box 4053
Sciotoville, Ohio 45662

Dear Mr. Fletcher:

The Southeast District Office of Ohio EPA conducted a follow-up inspection of the open dumping of solid waste and demolition debris on your property located off Labold Avenue in the Village of Highland Bend, Scioto County, Ohio.

I conducted an inspection of your property on July 24, 2008, to discuss the ("Agreed Order") Consent Order that was signed by you on May 22, 2001, to determine compliance with the Consent Order. I met with you on this day to discuss the compliance of the Order.

I observed that you still have approximately 100 scrap tires that exist on your property along with other solid wastes. This would include household garbage, car parts, appliances, and assorted junk.

I observed that you have removed wastes from the property since my last inspection in April. You provided me with receipts where you have recycled 46,543 pounds of scrap metal, including old junk cars from your property. However; you did not provide me with receipts where you have removed trash, or scrap tires.

I also observed that you have removed the siding and demolished two mobile homes that exist in the back of your property. This activity has created additional solid waste and demolition debris that must be removed and disposed of at a licensed solid waste landfill. You stated that you are going to contact Bull Dog Container to bring in a roll-off box to dispose of the solid waste.

As of this inspection, you have removed 201.6 tons or 604.8 cubic yards of waste and scrap metal from your property, including 73 scrap tires.

Violations will continue to accrue until all of the solid wastes are removed and disposed.

The ("Agreed Order") indicates that you must remove \$120.00 worth of waste each month. Currently, you are not in compliance with the signed Consent Order.

You are in violation of the following:

ORC 3734.11(A) - No person shall violate any section of this Chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code.

Paragraph 8 of the Consent Order states that beginning October 1, 2000, Defendant shall remove at least \$120.00 worth of Passenger Tire Equivalents, until all scrap tires are removed.

Scrap tires still exist on your property.

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Paragraph 10 of the Consent Order states that Defendant shall keep detailed records of all scrap tire removal operations conducted at the Fletcher Dump. These detailed records shall include, but are not limited to; scrap tire transporter and shipping papers, and receipts establishing the lawful transportation and disposal or deposition of scrap tires from the Fletcher Dump at a properly permitted or registered and licensed scrap tire facility in the State of Ohio.

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 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

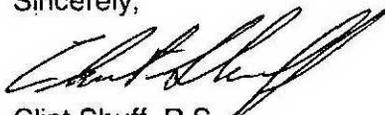
OAC 3745-27-05(c) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove 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.

The disposal facility located nearest to you in Ohio is the Portsmouth Transfer Facility or Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. Both facilities can accept scrap tires. You may choose to use other permitted and licensed facilities as well.

Compliance with the requirements outlined in the letter, or the solid and infectious waste provisions contained on ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his or her obligation to comply with other applicable State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246.

Sincerely,


Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CAS/jg

cc: Mike Trapp, Scioto County Health Department
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District
cc: Barry Chapman, DSIWM, CO