



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

January 12, 2009

**RE: SCIOTO COUNTY
SITE - GEN
30000718**

Mr. Richard Burton
4397 Millers Run Back Run Road
Lucasville, Ohio 45648

Dear Mr. Burton:

The Southeast District Office of Ohio EPA received a complaint that open dumping of solid waste and demolition debris is occurring off of Millers Run Back Run Road, in Lucasville, Ohio. I conducted an inspection of the property on January 7, 2009. I was accompanied by Mike Trapp with the Scioto County Health Department and Steve Hileman, Litter Control Officer with the Lawrence and Scioto County Solid waste Management District. The property is owned by Richard and Janet Burton Sr. of Maysell, West Virginia; you are currently living in a mobile home on this property.

During this inspection, we met with you to discuss the solid waste and demolition debris that is dumped and burned on your property. Steve Hileman has tried to work with you since November of 2008 to motivate you to clean up the property. You have failed to begin any cleanup of the property and have ignored his warnings.

Open dumping and burning of solid waste and demolition debris is a violation of Chapter 3734 and 3714 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.

OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Open dumping and burning of solid waste and demolition debris must cease immediately. All solid wastes and demolition debris disposed at the described location must be removed from the property, and taken to a licensed solid waste disposal facility for proper disposal.

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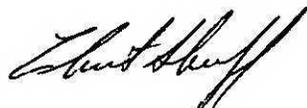
Obtain copies of receipts from the landfill that received the waste and provide those copies to this district office in order to document your compliance. I suggest that you obtain the services of a registered waste hauler. Please respond to this district office within ten days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump.

The disposal facility located nearest to you is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. The Rumpke Transfer Station is located off of County Road 1A in Haverhill. 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: Cindy Charles, Portsmouth Local Air Authority