



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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

May 6, 2010

**RE: WASHINGTON COUNTY
SITE - GEN**

Debra Scott
626 Ninth Street
Marietta, Ohio 45750

**CERTIFIED MAIL
#7006 3450 0001 9055 9116**

Dear Ms. Scott:

On March 30, 2010, this office received a complaint alleging that open dumping and open burning of solid waste and construction & demolition debris was occurring at property located at 1124 Cisler Drive in Marietta. The complaint alleged that the waste was dumped by you. On April 2, 2010, I investigated the complaint and was accompanied by Kelly Miller of the Marietta City Health Department. Ms. Miller and I were met at the site by a representative of the Marietta Police Department and the Marietta Fire Department.

Although no burning was occurring at the time of my investigation, we did observe a burn barrel and a pile of ashes behind the dwelling. In addition, approximately a dump truck load of commingled solid waste and construction & demolition debris was observed adjacent to the dwelling along with two 5-gallon containers with what appeared to be residual waste oil, some of which had leaked onto the ground.

On April 6, 2010, I sent you a notice of violation (NOV) letter regarding the site. In addition, I have twice left business cards at this address and to date I have not heard from you regarding the property.

On April 27, 2010, I conducted a follow-up visit to the site to determine whether or not the solid waste and construction & demolition debris had been removed. At that time, the solid waste and construction & demolition debris was still open dumped and illegally disposed of at the property.

As I indicated in my original letter, open dumping and/or open burning of solid waste or illegal disposal of construction & demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). 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.

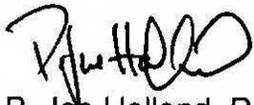
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OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

All solid waste and construction & demolition debris must be removed from the site and taken to a licensed facility for proper disposal within 15 days of receipt of this letter. Failure to comply may result in escalated enforcement action and possible penalties for open dumping of solid waste and illegal disposal of construction & demolition debris.

Should you have questions concerning this letter, please contact me at (740) 380-5439.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

PJH/jg

cc: Gerald Gulley, Marietta City Health Department
City of Marietta Mayor's Office