



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

November 9, 2011

**RE: WASHINGTON COUNTY  
SITE - GEN**

Mr. David N. Bailey  
c/o James E. Williams  
510 23rd Street  
Vienna, West Virginia 26105

Dear Mr. Bailey:

On September 28, 2011, I sent you a notice of violation (NOV) letter regarding property you own at 1640 Braun Road in Belpre Township in Washington County, Ohio. The NOV cited open dumping of solid waste and/or illegal disposal of construction & demolition debris at the site.

On October 27, 2011, I met you both at the site to discuss my findings and what efforts were needed to bring the site into compliance. Also present during my visit were Rex Moore and Sandra Runyon. Mr. Moore owns the adjacent property and has expressed concerns of solid waste discharging onto his property from the dump site during times of heavy precipitation.

During my visit, I attempted to explain to you the reason for the notice of violation letter and the need to remove any waste material that was observed on your property. However, you indicated that you were only interested in discussing the drainage ditch on Mr. Moore's property and that until that issue was resolved you were not going to remove or even discuss the waste material on your property. Although I attempted to explain that I had no jurisdiction concerning the drainage pattern, you refused to discuss removal of any waste on your property.

As I advised you in my previous letter and during our on-site meeting, open dumping 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.

Please be advised that you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence and/or photographs should be submitted to this office.

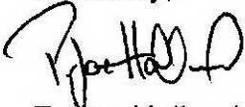
Violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (740) 380-5439 or by e-mail at [joe.holland@epa.state.oh.us](mailto:joe.holland@epa.state.oh.us).

Receipts must be retained showing all waste was properly disposed of at a licensed facility.

Sincerely,



P. Joe Holland, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management

PJH/jg