

*Clinton Co
Conley Dump
Enforcement*

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Kuleski, Director

August 30, 2010

Mr. and Mrs. James Conley
P.O. Box 692
Wilmington, Ohio 45177

Mr. and Mrs. James Conley
P.O. Box 69
Port William, Ohio 45164

**RE: Notice of Violation- Open Dumping/Open Burning
Property located at 4073 Gallimore Road, Clinton County**

Dear Mr. Conley:

On August 17, 2010, Pat Willoughby and I representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) conducted an inspection at the property located at 4073 Gallimore Road in Clinton County. This property is shown on the Clinton County Auditors records as parcel number 3800214491 and indicates that you (James F. Conley) and Betty J. Conley are the property owners.

Previously, on September 9, 2009, Dave Combs and I from Ohio EPA met with you at the property and based upon the discussions at the Clinton County Courthouse on August 31, 2009 with you and your attorney, Ohio EPA identified and marked with PVC stakes in the four (4) locations where trenches were to be dug at the aforementioned property, and issued a Notice of Violation letter on September 23, 2009.

The purpose of the August 17, 2010 site visit was to determine if violations identified in Ohio EPA Notice of Violation letter dated September 23, 2009 had been corrected and to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

The following observations were made during my site inspection on August 17, 2010:

1. During this site inspection, construction and demolition debris (C&DD) and municipal solid waste (MSW) were observed within and around trench #3 (Figures 1 & 2) and trench #4 (Figures 3, 4, 5 & 6) on the northern end of the property. The owner's failure to remove and properly dispose of all MSW and C&DD from the property remains a violation of the Ohio Revised Code, Ohio's Solid Waste Rules and Construction and Demolition Rules. The waste items found next to the trenches that were identifiable, included but were not limited to: a hose, shoes, bottles, cans, 2 rusted fire extinguishers, miscellaneous municipal solid wastes, roofing shingles, concrete block, bricks and other C&DD.

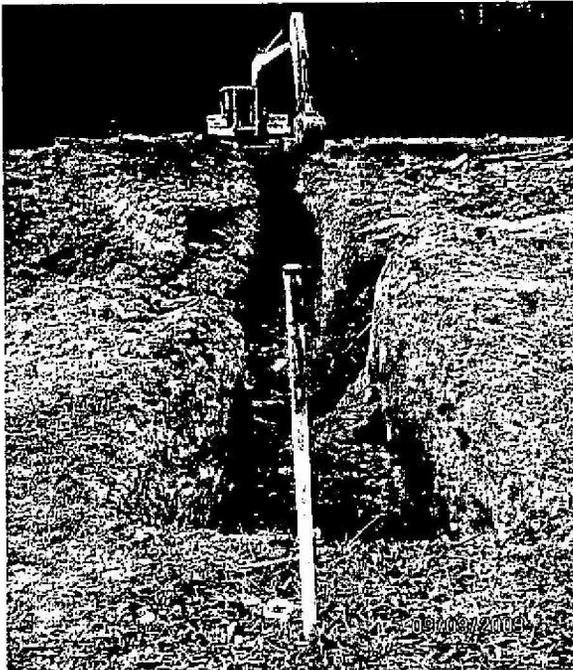


Figure 1: Sept 2009 excavation of Trench 3

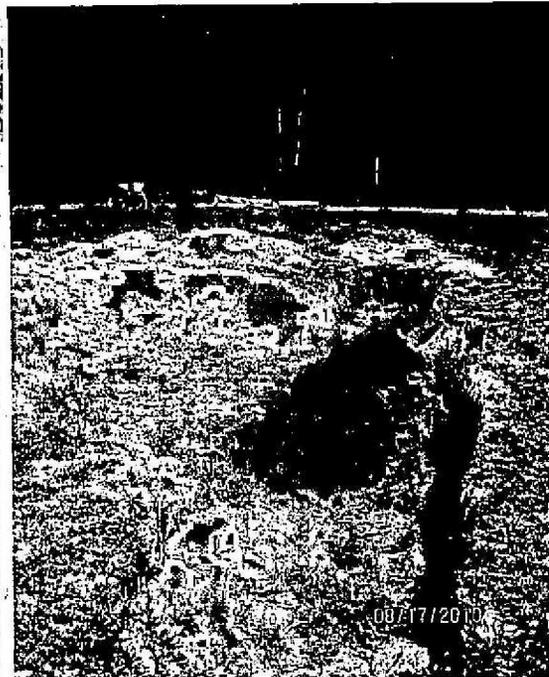


Figure 2: Trench 3 - Only partially excavated now & standing water in trench, waste visible in soils

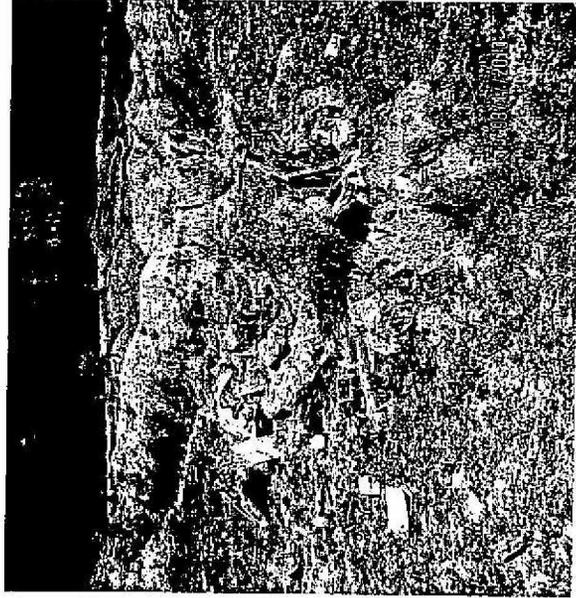


Figure 3: Trench 4



Figure 4: Rusted extinguisher in debris pile next to trench



Figure 5: Pile of MSW mixed with C&DD



Figure 6: Pile of MSW mixed with C&DD

2. Debris from the demolition of two on-site wooden sheds and a conveyor belt with plastic bins was observed stockpiled adjacent to the gravel parking area inside the fenced farm field (Figure 7). This pile needs to be properly disposed at a licensed disposal facility.



Figure 7: Demolished shed & conveyor belt

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations: Ohio Revised Code (ORC) Section 3734.03, OAC Rule 3745-27-05(B)(5) and (C), ORC Section 3734.02(C), ORC Section 3745.05(A), OAC Rule 3745-37-01(A), and the violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A).

Disposal of C&DD in an unlicensed facility places you in violation of the following Construction and Demolition Debris Laws and Regulations: ORC Section 3714.06(A), OAC Rule 3745-37-01(C), OAC Rule 3745-400-04(B), OAC Rule 3745-400-04, ORC Section 3714.02 and the violations of the ORC and OAC, constitute a violation of ORC 3714.13.

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As such, acceptance of material, burning and burial of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.

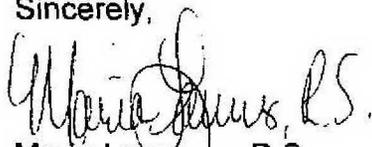
- **This letter serves to inform you that the solid wastes and C&DD on your property must be removed for proper disposal (e.g., solid waste in a licensed sanitary landfill) and must be taken to a licensed facility.**
- **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) at the letterhead address.**
- **A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.**

Failure to comply with this Notice of Violation will result in escalated enforcement.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

ML/ka

cc: Matt Johannes, Clinton County Health Department
Kathy Gamble, Clinton County Assistant Prosecutor