



**Environmental  
Protection Agency**

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

January 17, 2012

**RE: BELMONT COUNTY  
SITE - GENERAL  
NOV**

William Bommer  
2384 W. 23<sup>rd</sup> Street  
Bellaire, OH 43906

**RE: OPEN DUMPING NOTICE OF VIOLATION**

Dear Mr. Bommer:

On November 16, 2011, the Ohio Environmental Protection Agency met with you and Mr. Brown concerning an open dump site behind your property located at 2384 W. 23<sup>rd</sup> Street, Bellaire, Ohio, in Belmont County. This dump site is accessible only through your property and the property of your neighbor, Mr. Schramm as it is isolated by the Brooks Run and a steep ravine that prevents access from any other location. During the time of the inspection, you allowed Mr. Brown to access the dump site through your property to remove the solid waste and construction and demolition debris material that you had previously allowed to be placed on the parcel. This Parcel behind your property does not have a parcel number and is listed as an "unknown owner", therefore, as you do not own the Property, nor have permission from the owner as one does not exist; you are prohibited from allowing any material to be placed on the parcel.

Since our meeting, I have sent both Mr. Schramm and you letters indicating that you must cease allowing the disposal of solid waste and construction and demolition debris ("C&DD") including clean hard fill onto this parcel. I have done what I can to get the property cleaned up and I have spoken with both of you concerning the issue. During our meeting, you admitted to allowing filling to occur on the property. Mr. Schramm has also admitted to allowing access to his property for filling activities to occur. Mr. Brown continues to make open dumping complaints concerning Mr. Schramm and contacts this office as a representative for you.

Allowing and or placing Solid Waste and C&DD (including clean hard fill) on this parcel is in violation of the Ohio Revised Code and Ohio Administrative Code. Please be advised that both of you can be prosecuted if you allow the filling to continue.

**ORC rule 3734.03 states in part:**

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

**OAC rule 3745-27-05(C) states:**

No person shall conduct, permit, or **allow** open dumping.

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**OAC rule 3745-400-04(B) states in part:**

No person shall conduct or **allow** illegal disposal of construction and demolition debris...

I continue to receive complaints concerning the illegal disposal of material at this location. If this continues, both Mr. Schramm and you will be held liable and both of you risk prosecution. It is imperative that you limit access to your property to prevent further disposal onto this property. If Ohio EPA continues to receive complaints, I will begin enforcement action on both Mr. Schramm and you.

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 prevent the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies and photographs, as appropriate and may be submitted via the postal service or electronically to [erika.jackson@epa.ohio.gov](mailto:erika.jackson@epa.ohio.gov).

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 you have any questions, please contact me at this office. You can reach me either by mail or by calling me at (740) 380-5228.

Sincerely,



Erika Jackson  
Environmental Specialist II  
Division of Materials and Waste Management

EJ/cb