



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Dump Site  
Camp Perry, Ottawa County  
Notice of Violation

May 15, 2007

Certified Mail: 7006 0100 0003 7708 2441

Mr. Mark A. Gibson  
State of Ohio Adjutant General's Department  
Facilities Management Office, Environmental Services  
2825 West Granville Road  
Columbus, Ohio 43235-2712

Dear Mr. Gibson:

On May 3, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO), Division of Solid and Infectious Waste Management (DSIWM), contacted you to discuss the progress of the cleanup of a previously unknown disposal site at the Camp Perry Training Site (Camp Perry), in Erie Township, Ottawa County.

The disposal site, identified in previous correspondence as "Site #2," is considered an unlicensed and unpermitted solid waste disposal facility. The Ottawa County Auditor's Office records locate Site #2 in Parcel Number 016-19141-03640-000 (Legal Description: PARCEL IN SECTIONS 21 & 28) and identify "State of Ohio" as the owner.

During our May 3, 2007, telephone conversation, you stated that, due to funding constraints, the site cleanup would not begin until 2008. Please be advised that an inability to obtain funding does not relieve the owner/operator from their obligation to comply with Ohio's laws and rules regarding disposal of solid waste.

**The owner/operator of Site #2 is in violation of the following rules and laws:**

1. Ohio Administrative Code (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.*

Open dumping is defined in OAC Rule 3745-27-01(O)(4) as (in pertinent part):

*"Open dumping" means the following: (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30 and 3745-37 of the Administrative Code.*

2. Ohio Revised Code (ORC) §3734.03:

*No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of this section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.*

3. OAC Rule 3745-27-02(A) (in pertinent part):

*... no person shall establish or modify a solid waste facility or infectious waste treatment facility without obtaining a permit to install issued by the director ...*

4. ORC §3734.02(C) (in pertinent part):

*... no person shall establish a new solid waste facility, or modify an existing solid waste facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director ...*

5. OAC Rule 3745-37-01(A) (in pertinent part)

*No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder ...*

6. ORC §3734.05(A)(1) (in pertinent part):

*... no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code ...*

Mr. Mark A. Gibson  
May 15, 2007  
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**The owner/operator of Site #2 is in violation of the above rules and laws for operating a solid waste facility without the required permits and license, and for conducting or allowing the open dumping of solid waste. These violations will continue until all solid waste disposed at this site is removed and properly disposed at a solid waste facility.**

**Please respond in writing within 30 days from receipt of this letter. Your response shall include a complete schedule for removing the solid waste from Site #2 for proper disposal. Please submit this response to:**

Kimberly Burnham  
Ohio EPA, Northwest District Office  
Division of Solid & Infectious Waste Management  
347 North Dunbridge Road  
Bowling Green, Ohio 43402

Please be advised that these removal activities will require the approval of the Director of Ohio EPA pursuant to OAC Rule 3745-27-13. OAC Rule 3745-27-13(D)(1) states in part:

- (1) *Paragraph (E) of this rule applies to any person proposing to engage in filling, grading, excavating, building, drilling or mining on one of the following sites: ...*
- (b) *An unlicensed or unpermitted solid waste landfill that accepted solid waste after July 29, 1976. ...*

Please submit the information required by OAC Rule 3745-27-13(E) and await a response from the Director before beginning these removal activities.

If you have any questions, please contact me at (419)373-3049.

Sincerely,

Kimberly K. Burnham, R.S.  
Environmental Specialist  
Division of Solid & Infectious Waste Management

/cs

pc: Ottawa County Health Department  
Kimberly Burnham, DSIWM, NWDO  
~~DSIWM-NWDO-File-Ottawa-County-Dump-Sites~~

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>Dennis Hite</i></p> <p>B. Received by (Printed Name) <i>HITE</i> C. Date of Delivery</p>
<p>1. Article Addressed to:  <i>Mr. Mark Gibson          State Adjutant General          Facilities Mgmt.          Environmental Services          2825 W. Granville Rd.          Columbus, Ohio 43235-2712</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. <b>7006 0100 0003 7708 2441</b></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)											
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<p>Sent To <i>State of Ohio Adjutant General</i></p> <p>Street, Apt. No. or PO Box No. <i>2825 W. Granville Rd.</i></p> <p>City, State, ZIP+4 <i>Columbus Ohio 43235-2712</i></p>											
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>											