



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, Ohio 43402

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

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

**Re: Open Dumping
Ottawa County**

January 23, 2007

Mr. Marvin L. and Mrs. Betty L. Grau
12843 West Salem Carroll Road
Oak Harbor, Ohio 43449

Dear Mr. and Mrs. Grau:

On December 27, 2007, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) investigated a complaint regarding disposal of solid waste and construction and demolition debris on property you own on West Salem Carroll Road between Benton-Carroll and Toussaint-Portage Roads, just west of the railroad tracks. The parcel identification number is "008098261315400" (property). Tyler Madeker and I represented Ohio EPA during the investigation.

A pile of shingles and a pile of mixed debris were observed adjacent to a driveway near the center of the property's frontage. Observed in the mixed pile was a wooden box, deer carcasses, concrete, metal, tire rims, paper, a full trash bag, brush, an old gas grill, cans and bottles, cardboard, and feed bags full of trash. In addition, an area where burning had occurred in the past was evident.

The disposal of these materials in this manner is considered open dumping of solid waste and illegal disposal of construction and demolition debris and is not allowed by Ohio's laws and rules. The burning of these materials is also prohibited.

On January 11, 2007, I spoke with Mrs. Grau by telephone to inform you of Ohio EPA's investigation and that you would be receiving this letter. Mrs. Grau stated that the pile was located in an area of an old basement that you are filling so that you can cover it with soil and farm it. She stated that you bring materials to this location and burn them every three or four months and that you contact the Carroll Township Fire Department before burning the material. I informed Mrs. Grau that the items I observed on site may not be disposed of in this manner - they must be disposed in a landfill. Mrs. Grau said that metal items like the grill are removed from the burn area and recycled.

The mixed pile of material is solid waste. Disposal of solid waste in the manner described above is considered open dumping. Ohio's laws and rules prohibit open dumping of solid waste:

1. Ohio Administrative Code (OAC) Rule 3745-27-05(C), states in pertinent part:
No person shall conduct, permit, or allow open dumping . . .
2. Ohio Revised Code (ORC) Section 3734.03, states in pertinent part:
No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection . . .

The owner of the property is in violation of OAC Rule 3745-27-05(C) and Ohio Revised Code (ORC) Section 3734.03.

The shingles are considered construction and demolition debris (C&DD). Disposal of C&DD in the manner described above is considered illegal disposal of C&DD. Ohio's laws and rules prohibit illegal disposal of C&DD:

3. OAC 3745-400-04(B) states:
No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

The owner of the property is in violation of OAC Rule 3745-400-04(B).

All solid waste and C&DD material disposed at this site must be removed and properly disposed at a licensed landfill. These violations will continue until all waste material is removed and properly disposed. Forward receipts documenting the proper disposal of these materials to:

Ohio EPA - NWDO
Attn: Kimberly Burnham
347 N. Dunbridge Road
Bowling Green, Ohio 43402

A list of licensed solid waste landfills in Ohio is enclosed for your convenience.

In addition, please be advised that open burning is a strictly regulated activity in Ohio. Evidence of open burning at this site may result in a violation of OAC Rule 3745-19. For additional information regarding open burning, please contact Mr. Joe Grob with the Ohio EPA Division of Air Pollution Control at the Northwest District Office at (419) 373-3120. A fact sheet regarding open burning is enclosed.

This correspondence addresses specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

Mr. Marvin L. and Mrs. Betty L. Grau

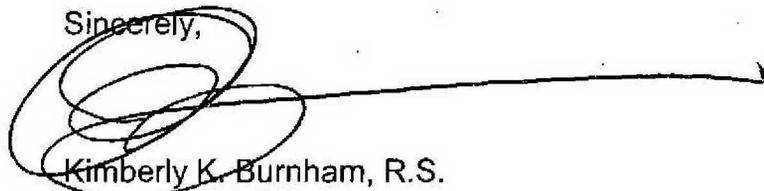
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Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734. and the rules promulgated thereunder, does not relieve the owner/operator of the property from their obligations to comply with other applicable state and federal laws and regulations.

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

Sincerely,



Kimberly K. Burnham, R.S.

Environmental Specialist

Division of Solid and Infectious Waste Management

/llr

pc: Ottawa County Health Department
Kimberly Burnham, DSIWM, NWDO
DSIWM-NWDO File: Ottawa County, Dump Sites
ec: Joe Grob, DAPC, NWDO