



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-9461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Open Dumping
Ottawa County

June 5, 2009

Mr. James L. Reinheimer, Trustee
c/o Mr. William Turner
4245 State Route 2 / Lake Shore Drive
Port Clinton, Ohio 43452

Dear Mr. Reinheimer:

On April 21, 2009, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) investigated a complaint regarding disposal of solid waste on property you own or otherwise control located at 4245 State Route 2, Erie Township, Ottawa County, Ohio, Parcel Identification number 016068540896000 (Property). I represented Ohio EPA during the investigation. No one was present at the motel structures on the Property during the inspection; the pile of debris was viewed from the parking lot. Photos were taken and are enclosed.

A pile of mixed waste was observed in the marshy area behind the buildings on the Property. See enclosed photo. Clearly visible in the photo are cardboard tubes, a mattress and other miscellaneous waste.

The disposal of these materials in this location constitutes open dumping of solid waste.

The pile of mixed material documented in the photos is solid waste, as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, ...

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

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.

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The owner/operator of the Property is in violation of OAC Rule 3745-27-05(C) and Ohio Revised Code (ORC) Section 3734.03, which state:

1. OAC Rule 3745-27-05(C), which states in pertinent part:

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

2. ORC Section 3734.03, which states:

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 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.

All solid waste disposed at this site must be removed and properly disposed at a licensed disposal facility. 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 North Dunbridge Road
Bowling Green, Ohio 43402

A list of licensed solid waste facilities in Ohio is included for your convenience.

In addition, please reply to this letter within 30 days of receipt with a description of your intentions concerning the vehicles, trailers, boats, structures, and other items located in the marshy area behind the motel buildings. Be advised that leaving these vehicles, trailers, boats, structures, and other items in the water would constitute open dumping and may result in citation of additional violations by Ohio EPA.

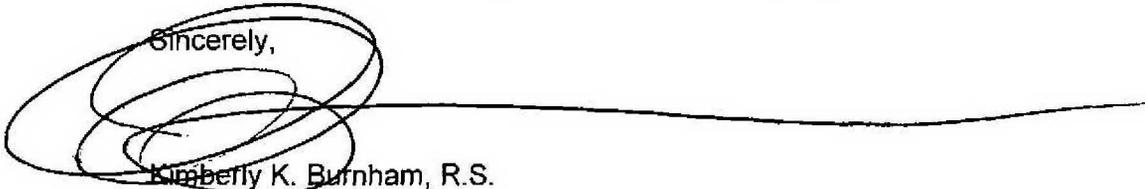
This correspondence addresses specific observations only for the areas of the Property that were inspected. Nothing present in, nor absent from, this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

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.

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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

Enclosure

pc: Ottawa County Health Department (enclosure)
Kimberly Burnham, DSIWM, NWDO
~~DSIWM, NWDO File (enclosure)~~

ec: Mike Reiser, DSIWM, NWDO



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