



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: Open Dumping
Henry County
Case No. 08-35

July 29, 2008

Mr. Kenneth Nye
U-098 County Road 3
Liberty Center, Ohio 43532

Dear Mr. Nye:

On May 22, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), investigated a complaint concerning disposal of solid waste on your property at U-098 County Road 3, Washington Township, Henry County, Ohio. You, Mrs. Sonja Nye, and an unidentified woman were present during the investigation. Andy Drumm and Ned O'Loughlin of Ohio EPA were also present.

An area of filling was observed in a low lying area on the north side of the structures on this property, at the edge of the woods. Materials visible in the fill included concrete, asphalt, shingles, computer monitors/TV tubes, automobile seats, a propane cylinder, tires, and other miscellaneous junk.

Although concrete and asphalt may be able to be used as fill material if the area is not a wetland, use of the shingles, computer monitors/TV tubes, automobile seats, propane cylinders, tires, and other miscellaneous junk in this manner constitutes open dumping of solid waste and is prohibited by Ohio law.

The property owner is in violation of Ohio Administrative Code (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 . . .

All solid waste in the fill - the shingles, computer monitors/TV tubes, automobile seats, propane cylinders, tires, and other miscellaneous junk - 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 N. Dunbridge Road
Bowling Green, Ohio 43402

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

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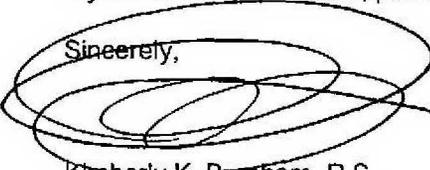
In addition, approximately 30 tires were observed stacked on the ground near the fill area. Scrap tires can be a breeding ground for mosquitoes and can cause significant environmental damage if they should catch on fire. Henry County occasionally has tire collection events where county residents can take scrap tires to the Henry County Landfill for free or at a reduced cost. For additional information, please contact the Henry County Landfill at (419) 256-7343.

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.

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

/lb

pc: Henry County Health Department
Rahel Babb, DSW, NWDO
Kimberly Burnham, DSIWM, NWDO
File: Henry County Dump Sites

ec: Sue Hardy, DSIWM, NWDO