



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

January 23, 2007

**RE: BELMONT COUNTY
SITE - DANA KUBIC DUMP**

Mrs. Dana Kubic
64662 Old Township Road
Bellaire, Ohio 43906

Dear Mrs. Kubic:

Please be advised that on January 10, 2007, I conducted a follow up inspection of your property, located at the above referenced address. The purpose of my visit was to determine the current status of your compliance with the Ohio Environmental Protection Agency's (EPA) solid waste and construction and demolition debris (C&DD) regulations and laws.

As you recall, the Ohio EPA had previously received a complaint alleging that a flood-damaged house and its contents, which originally stood near your existing house, was demolished and the debris illegally buried on-site. During meetings with you at your residence, you admitted that some debris was, in fact, buried on your Old Township Road property.

After being advised that the burial of the above referenced debris constituted violations of Ohio Revised Code (ORC) Chapters 3734.03 and 3714, as well as, Ohio Administrative Code (OAC) Rules 3745-27-05(C) and 3745-400-04(D), you began excavation of the buried material. Your expressed intention is to excavate all buried debris and properly dispose of it at a licensed disposal facility.

During my January 10, 2007, inspection, it appeared that a significant amount of debris has been excavated and remains in piles on the ground. It is not clear, however, if all the buried debris has been completely excavated. Therefore, please provide me with a proposed schedule stating when you expect to have all buried debris excavated, removed from the property and properly disposed of.

As stated in my previous letters to you, open dumping and open burning of solid waste are violations of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). In addition, the illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the OAC. Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

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.

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OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Therefore, you are currently in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

You are also in violation of ORC 3767.13(B) which states that no person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

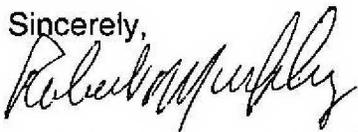
In addition, open dumping and open burning of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Belmont County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

Please obtain copies of receipts from the approved disposal facility that receives the waste and provide copies to this District Office in order to document your compliance.

The above cited violations will continue to accrue daily until such time as the above reference property is in compliance with Ohio EPA's solid waste and C&DD regulations and law. Please be aware that your failure to abate the above referenced violations could potentially in an escalated enforcement action by Ohio EPA.

Please respond to this letter, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste and C&DD regulations and laws. Should you have any questions, please contact me at (740) 380-5408.

Sincerely,



Robert Murphy, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District

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cc: Harold Vermillion, Belmont County Health Department