OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

June 29, 2009

RE: BELMONT COUNTY SITE – MICHAEL DUMP

Ms. Deborah Michael
55022 High Ridge Road
Bellaire, Ohio 43906

Dear Ms. Michael:

Please be advised that Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint that construction and demolition debris (C&DD) is being illegally disposed of on property you own. This property is located at the above referenced address.

In response to the complaint, I conducted an inspection of your High Ridge Road property, during which, I observed a large quantity demolition debris being illegally disposed of on your property.

Please be advised that Ohio Administrative Code (OAC) Rule 3745-400-01(F) defines construction and demolition debris (C&DD) as those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. The material deposited at your High Ridge Road property is contained within the definition of C&DD.

OAC Rule 3745-400-04(B) states that no person shall conduct or allow illegal disposal of construction and demolition debris, as defined by rule 3745-400-01 of the Administrative Code.

Since C&DD is being illegally disposed of on your High Ridge Road property, you are currently in violation of OAC Rule 3745-400-04(B).

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, illegal disposal of C&DD 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 be advised that the above-cited violations will continue to accrue daily, until such time as your High Ridge Road property is in compliance with Ohio EPA's C&DD regulations and laws.

The illegal disposal of C&DD on your High Ridge Road property should cease immediately. All C&DD should be removed from the property and taken to a licensed disposal facility for proper disposal. 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.

Please respond to this letter, in writing, within fifteen (15) days, detailing your intentions and actions taken to comply with Ohio EPA's C&DD regulations and laws. Failure to bring your property into compliance with Ohio EPA's C&DD regulations and laws will result in the initiation of an escalated enforcement action.

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

RM/jg

cc: James King, Belmont County Health Department
Dale Warner, DSIWM/SEDO