



State of Ohio Environmental Protection Agency

Southeast District Office

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

March 28, 2007

**RE: BELMONT COUNTY
SITE - SHIELDS HOLLOW RD. DUMP**

Ms. Melissa Pacifico
Shields Hollow Road
P.O. Box 40
Neffs, Ohio 43940

Dear Ms. Pacifico:

As you recall, I informed you in several previous letters that Ohio EPA's Southeast District Office received a complaint that open dumping of solid waste and construction and demolition debris (C&DD) is occurring on your Shields Hollow Road property.

My January 23, 2007, letter to you advised you that on January 4, 2007, I inspected your Shields Hollow Road property and observed a large amount of solid waste consisting of general household trash, as well as, construction and demolition debris (C&DD) that remains illegally disposed of.

As stated in my previous letters to you, as the legal property owner, you can be held ultimately responsible for any illegal actions that take place on your property, including the cleanup of the above referenced illegal dump.

Open dumping of solid waste is a violation 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.

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).

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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.

Open dumping of solid wastes and the illegal disposal of C&DD on your Shields Hollow Road property should cease immediately. All solid waste and 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.

To date, I have not received a response to any of my previous letters. The above cited ORC and OAC violations will continue to accrue daily until such time as the wastes are removed, recycled, and/or properly disposed at a licensed and permitted solid waste disposal facility.

I am again requesting that you respond to me, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste and C&DD regulations and laws. Failure to bring your property into compliance with Ohio EPA's solid waste and C&DD regulations and laws will result in an escalated enforcement action by Ohio EPA.

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

RM/jg

cc: Harold Vermillion, Belmont County Health Department