OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

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

April 29, 2009

BELMONT COUNTY
SITE - SHIELDS HOLLOW RD. DUMP

Ms. Carmela Myers
65113 Shields Hollow Road
Bellaire, Ohio 43906

Dear Ms. Myers:

As you recall, I informed you by letter dated March 11, 2009, that a large amount of solid waste consisting of general household trash, as well as, construction and demolition debris (C&DD) has been illegally disposed of on property owned by you. This property located on Shields Hollow Road, identified as parcel # 26-00844.000 Road, in Pultney Township of Belmont County.

I also informed you that open dumping of solid waste is a violation of Ohio revised Code (ORC) Chapter 3734.03 and Ohio Administrative Code (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.

In accordance with Ohio law, as the legal property owner you are ultimately responsible for any illegal actions that take place on your property. This could include the cleanup of the above referenced illegal dump.

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.

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.

Please be advised that the above-cited violations will remain in effect until such time as the solid wastes illegally dumped at the above referenced location are removed to a licensed solid waste disposal facility.

My March 11, 2009, requested that please respond to this letter, in writing, within 15 days. To date, I have not received a response from you. I am again requesting that you respond to this letter in writing within 15 (fifteen) 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 regulations and laws will result in the initiation of an 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