



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

February 28, 2008

**RE: BELMONT COUNTY
SITE - SOMERSET T.R. 4
DUMP**

Herbert Campbell
Kevin L. Campbell
2097 Pritchard Olltown
Warren, Ohio 44481

Dear Sirs:

As you recall, I informed you in several previous letters that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) had received a complaint that open dumping of solid waste is occurring on property owned by you. The illegal dump site is located on the east side of Somerset Township Road (T.R.) 4, approximately 1.2 miles south of the intersection of State Route 379 and T.R. 4, Belmont County, Ohio.

I also informed you that during my inspections of your property I observed a large amount of solid waste consisting of general household trash that continues to be illegally disposed of on your property. As stated in my previous letters, records at the Belmont County Court House in St. Clairsville list you as the legal property owners. In accordance with Ohio law, as legal property owners, 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.

I would again like to inform you open dumping of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05. Specifically:

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

OAC Rule 3745-27-05 - 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.

Therefore, you remain in violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05.

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Solid waste has been disposed of in a stream located at the dump site. Please be advised that this surface water stream is considered waters of the State of Ohio. The solid wastes that have been illegally dumped along and in the stream represents a violation of ORC 6111.04, which states, in part, that no person shall cause pollution or place or cause to be placed any sewage, industrial waste, **or other wastes in a location where they cause pollution of any waters of the state, and any such action is hereby declared to be a public nuisance.** Therefore, you are currently in violation of ORC 6111.04

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 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.

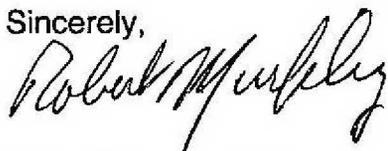
Open dumping of solid wastes on your T.R. 4 Road property should cease immediately. All solid waste should be removed from the property and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the approved disposal facility that receives the waste and provide copies to this District Office in order to document your compliance. Please be aware that, the above cited violations will continue to accrue daily until such time as the solid wastes illegally dumped at the above referenced location are removed and taken to licensed solid waste facility for proper disposal.

My previous letters to you requested that you please respond in writing detailing your intentions and actions taken to comply with Ohio's solid waste regulations and laws. To date, I have not received a response to my previous letters. Therefore, I am again requesting that you respond to this letter, in writing, within fifteen (15) days, detailing your intentions and actions taken to comply with Ohio's solid waste 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 escalated enforcement action.

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Should you have any questions, please contact me at (740) 380-5408.

Sincerely,

A handwritten signature in cursive script that reads "Robert Murphy".

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

RM/cb

cc: Harold Vermillion, Belmont County Health Department