



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

July 7, 2008

**RE: BELMONT COUNTY  
SITE - MCGARY ROAD**

Edward and Debra Palmer  
54655 McGary Road  
Alledonia, Ohio 43902

**Certified Letter  
#7007 3020 0001 7882 0971**

Dear Edward and Debra:

As you recall, I informed you in several previous letters that the Ohio Environmental Protection Agency's (EPA) Southeast District Office received a complaint alleging that open dumping of solid waste is occurring on property owned by you, located at the above referenced address.

I also informed you that I have conducted several inspections of your property to determine the status of your compliance with Ohio EPA's solid waste and scrap tire regulations and laws. During my inspections of your property, I observed a large amount of solid waste consisting of general household trash, scrap tires and various kinds of scrap metal illegally disposed of at this location. I also observed an area near the southeast corner of this property where an undetermined amount of solid waste has been buried and a number of scrap tires have been burned.

As stated in my previous letters to you, open dumping and open burning of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). 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.

Burying or otherwise disposing of solid waste on your McGary Road property is considered open dumping.

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

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.

**MCGARY ROAD**  
**JULY 7, 2008**  
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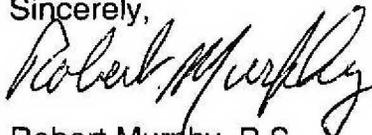
In addition, open dumping of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Belmont County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

I am again informing you that open dumping and open burning of solid wastes on your McGary Road property should cease immediately. All solid waste must 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.

My previous letters requested that you please respond, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste regulations and laws. To date, I have not received a response from you. 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. 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  
Ohio Environmental Protection Agency  
Southeast District

RM/jg

cc: Jim King, Belmont County Health Department

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>Pauline Beckett</i>    <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>EDWARD &amp; DEBRA PALMER</i>  <i>54655 MCGARY RD</i>  <i>ALLEDONIA OH 43902</i></p>	<p>B. Received by (Printed Name)</p> <p><i>Pauline Beckett</i></p>	<p>C. Date of Delivery</p> <p><i>7-14-08</i></p>
<p>2. Article Number (Transfer from service label)</p>	<p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes  If YES, enter delivery address below:    <input type="checkbox"/> No</p>	
	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p>	
	<p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>	
	<p>7007 3020 0001 7882 0971</p>	