



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

February 28, 2008

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

Edward and Debra Palmer
54655 McGary Road
Alledonia, Ohio 43902

Dear Edward and Debra:

As you recall, my November 29, 2007, letter informed you that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received another complaint that open dumping of solid waste is occurring on property owned by you. The illegal dump site is located on McGary Road, Washington Township, Belmont County, Ohio.

I also informed you that I conducted an inspection of this property on November 8, 2007, during which 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 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 letter 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.

**BELMONT COUNTY
SITE - MCGARY ROAD
FEBRUARY 28, 2008
PAGE 2**

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 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 November 29, 2007, letter 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/cb

cc: Harold Vermillion, Belmont County Health Department