



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

March 19, 2009

**BELMONT COUNTY
SITE - GREGORY GEORGE DUMP**

Mr. Gregory George
Ms. Rebecca George
45042 National Road
St. Clairsville, Ohio 43950

Dear Mr. and Ms. George:

As you recall, my previous letters informed you that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) had received a complaint that construction and demolition debris (C&DD) is being illegally disposed of on your property, located at the above referenced address.

I also informed you that I conducted an inspection of your National Road property and observed approximately 12 to 15 loads of demolition debris dumped on your property. Please be advised that I recently conducted a follow up inspection of your National Road property. During this inspection, it appeared that the C&DD I previously observed remains illegally disposed of at this location. It also appears that additional debris has been dumped on your National Road property.

Ohio Administrative Code (OAC) Rule 3745-400-01(F) defines construction and demolition debris (C&DD) as those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. The material deposited at your National Road property is contained within the definition of C&DD.

OAC Rule 3745-400-04(B) states that no person shall conduct or allow illegal disposal of construction and demolition debris, as defined by rule 3745-400-01 of the Administrative Code.

The illegal disposal of C&DD on your National Road property is a violation of OAC Rule 3745-400-04(B). Therefore, you remain in violation of OAC Rule 3745-400-04(B).

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.

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Please be advised that the above cited violations will continue to accrue daily, until such time as your National Road property is in compliance with Ohio EPA's C&DD regulations and laws.

The illegal disposal of C&DD on your National Road property must cease immediately. All C&DD must be removed from your National Road 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.

I am again requesting that you please respond to this letter, in writing, within fifteen (15) days, detailing your intentions and actions taken to comply with Ohio EPA's C&DD regulations and laws. Failure to bring your property into compliance with Ohio EPA's C&DD regulations and laws will result in the initiation of an escalated 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: James King, Belmont County Health Department