OhioEPA
State of Ohio Environmental Protection Agency
Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

January 23, 2007

RE: BELMONT COUNTY
SITE - C.R. 32 DUMP

Mr. James C. Kinnison
57651 Moores Run Road
Bellaire, Ohio 43906

Dear Mr. Kinnison:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency has again received a complaint that open dumping of solid waste is occurring on your County Road 32 (Kilgore Road) property. In response to the complaint, I conducted an inspection of the dump site on January 10, 2007. Based on my recent inspection, it appears that solid waste and construction and demolition debris observed during previous inspections, remains illegally disposed of on your property.

As stated in my previous letters, open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC). In addition, illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the OAC. Specifically:

ORC 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 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Because you are one of the owners of property on which the dump site is located, you are equally responsible for compliance to Ohio EPA's 'solid waste and construction and demolition debris regulations and laws. Therefore, you remain in violation of ORC 3734.03, OAC Rule 3745-27-05(C) and OAC 3745-400-04(B).

As is evident by this site, open dumping situations that are left unaddressed attract and promote further dumping. Open dumps can also be considered a public nuisance and public health threat, 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 disposed of on your C.R. 32 property should be removed and taken to a licensed solid waste disposal facility for proper disposal. Please obtain copies of receipts from the licensed disposal facility that received the waste and provide copies to Ohio EPA's Southeast District Office to document your compliance. The disposal facility located nearest to you in Ohio is the Apex Solid Waste Transfer Station at 53002 High Ridge Road, Bridgeport, Ohio. You may choose to use other permitted and licensed facilities as well.

The above cited violations will continue to accrue daily until such time as your C.R. 32 property is in compliance with Ohio EPA's solid waste and C&DD regulations and law. I would again like to advise your failure to abate the above referenced violations will result in an escalated enforcement action by Ohio EPA.

I am again asking that you please respond to this letter, in writing, within 15 days detailing your intentions and actions taken to bring your C.R. 32 property into substantial compliance with Ohio's solid waste and C&DD regulations and laws. 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 Office

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cc: Harold Vermillion, Belmont County Health Department