



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

October 11, 2011

**RE: BELMONT COUNTY
SITE - GENERAL**

William Bommer
2384 W. 23rd Street
Bellaire, OH 43906

RE: NOTICE OF VIOLATION

Dear Mr. Bommer:

On October 4, 2011, the Ohio Environmental Protection Agency investigated a complaint concerning property owned by you located at 2384 W. 23rd Street, Bellaire, Ohio, in Belmont County. This complaint alleged the open dumping of solid waste at the property. During my visit to the property, I observed a large amount of tires and other solid waste disposed over the hillside along with some construction and demolition debris. Solid waste and C&DD does not fit the definition of clean hard fill and will need to be removed from the site.

You are in violation of the following rules:

ORC Rule 3734.03 states in part:

No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) states:

No person shall conduct, permit, or allow open dumping.

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

OAC Rule 3745- 400-05(C)

"The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed. The Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification."

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On October 6, 2011, this office received a faxed request to resume movement of clean fill from the Barsi Lot to the 2384 W. 23rd Street. Approval for the "Notice of Intent to Fill" cannot be issued until the following information is provided:

- Nature of material
- When filling will begin and end
- Telephone number of the notifier

The illegal disposal of solid waste at your 23rd Street property should cease immediately. All solid waste and C&DD should be removed and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the licensed disposal facility that received the waste and provide copies of the receipts to Southeast District Office in order to document your compliance.

Within fourteen (14) days of receipt of this letter, Mr. William Bommer is requested to provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Mr. William Bommer for violation of Chapter 3734. (or 3714.) of the Ohio Revised Code, which carries a civil penalty of up to \$10,000 per day for each violation. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to erika.jackson@epa.ohio.gov. If Mr. William Boomer is unable to return to compliance within the fourteen (14) day timeframe, please contact Erika Jackson at (740) 380-5228.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at this office. You can reach me either by mail or by calling me at (740) 380-5228.

Sincerely,



Erika Jackson
Environmental Specialist II
Division of Materials and Waste Management

EJ/jg

cc: Taylor Carpenter, DAPC-SEDO