



Environmental
Protection Agency

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

April 2, 2012

CERTIFIED MAIL 7010 3090 0000 3936 7433

Kathy Hoover
Fairmount Memorial Park, Inc.
4199 S. Union Ave.
Alliance, OH 44601-8129

**RE: FAIRMOUNT MEMORIAL PARK, ALLIANCE, STARK COUNTY
PARCEL: 7580117
NOTICE OF VIOLATION (NOV)**

Dear Ms. Hoover:

On March 15, 2012, the Ohio Environmental Protection Agency (Ohio EPA) responded to an open dumping complaint on Fairmount Memorial Park located at 4199 S. Union Avenue, Alliance, Stark County, Parcel #7580117 (Property). The undersigned of the Division of Materials and Waste Management (DMWM) Northeast District Office (NEDO), along with Lynn Sowers and Karen Naples, of DMWM NEDO, conducted an inspection of the Property.

Upon arrival at the Property, there was no one available to speak with at the office. An inspection was conducted and it was noted that there was a pile of brush and other yard waste in the rear of the Property. Mixed in with this pile were numerous solid waste items, including: rolled carpeting, wood paneling, miscellaneous pieces of plastic, plastic garbage bags containing unknown waste material, plastic bottles, plastic toys, a wooden desk, plastic tarps, rubber hoses, a plastic waste basket, a wicker basket, plastic flowers, a metal frame, and other miscellaneous solid waste material. See Appendix A, Photos 1-6.

The deposition of solid waste on the Property is a violation of the following:

- A. **Ohio Revised Code (ORC) Section 3734.02(C)** states, in part, that "*no person shall establish a new solid waste facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director....*"
- B. **ORC Section 3734.05(A)(1)** which states, in part, that "[n]o person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located...."
- C. **OAC Rule 3745-37-01(A)** which states, in part, that "[n]o person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation...."

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- D. **ORC Section 3734.03** states in pertinent part "[n]o person shall dispose of solid wastes by open burning or open dumping...."
- E. **OAC Rule 3745-27-05(C)** which states, in part, that "[n]o person shall conduct, permit, or allow open dumping...."

Additional information regarding these laws and rules can be found on this website:
<http://www.epa.ohio.gov/Default.aspx?tabid=2612>.

The owner of the Property needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner is requested to provide documentation to this office, including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to joshua.adams@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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.

Should you have any questions, please contact me at (330) 963-1103, or joshua.adams@epa.state.oh.us.

Sincerely,



Joshua Adams
Environmental Specialist
Division of Materials and Waste Management

JA/cl
Attachments

cc: Kelly Jeter, DMWM-CO
File: [Sowers/COUN/Alliance/GEN/76]

Appendix A: Photo 1



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12

Appendix A: Photo 2



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12

Appendix A: Photo 3



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12

Appendix A: Photo 4



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12

Appendix A: Photo 5



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12

Appendix A: Photo 6



Solid Waste
Taken by Joshua Adams, Ohio EPA
Fairmount Memorial Park, Stark County 3/15/12