



**Environmental
Protection Agency**

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

**Re: Open Dumping – 1608 US 127
Paulding County
Notice of Violation**

February 29, 2012

Ms. Rose Gunckel
P.O. Box 472
Verona, Ohio 45378

Dear Ms. Gunckel:

On February 6, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), attempted to conduct an inspection at the property located at 1608 US 127 Scott, Ohio, in Paulding County (Site). The Paulding County Auditor's Office (Auditor) identifies the Site as Parcel ID 24-31S-004-00 and you as the owner. The Auditor also identifies a John Glaser as owning a mobile home at this Site. The purpose of the inspection was to follow up on an anonymous complaint received by Ohio EPA regarding the open dumping of solid waste at the Site. During my attempted inspection at the Site, I had conversations with a couple of individuals at the Site, including Mr. Dean Leisure. It is my understanding through conversations with Mr. Leisure and yourself that the Site is currently for sale under land contract to Mr. Leisure. As discussed with you on the phone on February 15, 2012, you are ultimately responsible for ensuring that Ohio laws and regulations are followed at the Site when it comes to the disposal of solid waste. However, Mr. Leisure did indicate that he would be cooperative and take necessary steps to clean up the solid waste that is currently open dumped at the Site. Although Mr. Leisure refused Ohio EPA access to the property beyond my initial contact with him at his mobile home, I could see from plain site (i.e. the drive way and public road) a pile of garbage bags and other household garbage, as well as scrap tires.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, . . . and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

The owner/operator of the Site is in violation of the following rules and laws:

1. 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.

Open dumping is defined in OAC Rule 3745-27-01(O)(4) as (in pertinent part):

"Open dumping" means the following: (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.

2. Ohio Revised Code (ORC) § 3734.03:

No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

3. OAC Rule 3745-27-02(A) (in pertinent part):

. . . no person shall establish or modify a solid waste facility. . . without obtaining a permit to install issued by the director . . .

4. ORC § 3734.02(C) (in pertinent part):

. . . no person shall establish a new solid waste facility, or modify an existing 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 . . .

5. OAC Rule 3745-37-01(A) (in pertinent part):

No 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, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder . . .

6. ORC § 3734.05(A)(1) (in pertinent part):

. . . no 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 or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code . . .

The accumulation of scrap tires on the property also poses a threat to the community by providing a mosquito breeding environment. Mosquitoes carry a variety of diseases and you must take necessary provisions to control mosquitoes by either applying a larvicide to the tires or by storing the tires dry. You will need to find a means of legally disposing of the tires. Ohio EPA recommends using an Ohio registered scrap tire hauler to remove all the tires at once. However, transporting ten (10) or fewer tires at a time yourself to a tire retailer who would agree to accept your tires is also an option. Please see the attached list of licensed scrap tire transporters in Ohio.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. 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, the owner is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please respond in writing within 14 days from the date of this letter. Your response shall include a complete schedule for removing the solid waste from the Site for proper disposal. Please maintain and submit all receipts of proper disposal of the solid waste, including the scrap tires, to my attention.

Ms. Rose Gunckel
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Please submit this response and any other pertinent documentation to:

Ohio EPA - NWDO
Attn: Jeremy Scoles
347 N. Dunbridge Road
Bowling Green, Ohio 43402

If you have any questions regarding proper disposal of the material, please contact me at (419) 373-3079.

Sincerely,



Jeremy Scoles, RS
Environmental Specialist II
Division of Materials and Waste Management

/llr

pc: Dean Leisure
John Glaser
File: DMVW-SW, Paulding County, Dump Sites

ec: Mike Reiser