



**Environmental  
Protection Agency**

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

**Re: Open Dumping - Bennett  
Notice of Violation  
Hardin County**

February 7, 2012

Mr. John Bennett, Jr.  
14771 County Road 209  
Kenton, Ohio 43326

Dear Mr. Bennett:

On January 27, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), conducted an inspection at your property located at 14771 County Road 209 Kenton, Ohio in Hardin County (Site). The purpose of the inspection was to follow up on the status of the open dumping of solid waste at the Site. You were first cited for open dumping on August 4, 2009, and again on December 22, 2011. During the inspection there were commingled piles of scrap tires, car parts, miscellaneous metal, household waste, and other solid waste items present. The emphasis of this inspection was put on the management of the scrap tires at the Site.

You were instructed to gather all the scrap tires present on the Site and put them in one pile. The scrap tires then need to be covered with a tarp to keep the tires that can hold water dry. You indicated that scrap tires are disposed of by placing them into loads of scrap cars that go to Danner's Auto Wrecking (Danner's) for salvage. However, based upon the number of scrap tires present and the frequency of scrap cars that are removed from the Site, you will need to find additional means of legally disposing of the tires in addition to placing them in scrap cars. During this inspection Ohio EPA recommended using an Ohio registered scrap tire hauler to remove all the tires at once or transporting ten (10) or fewer tires at a time yourself to a tire retailer who would agree to accept your tires. Ohio EPA continues to recommend that you make managing the scrap tires your first priority at your Site.

During this inspection you were able to provide Ohio EPA with copies of receipts showing that miscellaneous scrap metal, garbage, and scrap tires have been removed from the property through Danner's.

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 remains 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 . . .*

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/operator is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Ohio EPA, DMWM, will be conducting periodic inspections to verify the clean-up is progressing.

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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: File: Hardin County, Dump Sites

ec: Mike Reiser