



**Environmental  
Protection Agency**

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

April 2, 2012

**JACKSON COUNTY  
SITE – GENERAL**

Paul Moore Jr.  
2502 Bear Run Road  
South Webster, Ohio 45614

Dear Mr. Moore:

This letter is written to clarify the situation regarding the dump located on your property at Bear Run Road. Jackson County Health Department (JCHD) received a complaint of open dumping and investigated the complaint on March 16, 2012. I accompanied JCHD during the investigation. We observed a large open dump of solid waste that contained various household waste, furniture, and garbage. The complaint alleged that you and two other households regularly used the dump. This was substantiated by both yourself and your daughter-in-law.

On March 19, 2012, JCHD issued a Notice of Violation (NOV) to you for open dumping of solid waste. You subsequently contacted this office and spoke with Southeast District Office (SEDO) Engineer Brian Queen. You asked Mr. Queen about an exemption from the solid waste rules that allowed for one to manage one's own waste on the property where it was generated. Mr. Queen responded that such an exemption did exist. However, when you asked Mr. Queen about the situation, you neglected to inform him that the dump was used by three separate households.

Please be advised that the exemption within Ohio Administrative Code (OAC) Rule 3745-27-03(A)(1) is valid only for: "Solid wastes generated within a single-family residence, and disposed of on the premises where generated in a manner that does not create a nuisance or health hazard." Your situation does not meet this exemption.

Please be advised that open dumping of solid waste is in violation of OAC and the Ohio Revised Code (ORC). Specifically:

ORC Chapter 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

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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.

Based upon the investigation and the evidence obtained, you are currently in violation of the above rule and law.

The open dumping of solid wastes on your property should cease immediately. All solid waste must be removed from the property and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the approved disposal facility that receives the waste and provide copies to JCHD in order to document your compliance.

Please respond to JCHD within 15 days as to your intentions to correct these violations. If you have any questions regarding this letter, please contact me at 740-380-5438.

Sincerely,



Daniel L. Bergert, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management  
Southeast District Office

DB/sb

cc: Kristen Campbell, Jackson County Health Department  
cc: Brian Queen, SEDO-DMWM  
cc: Terri Marchi, Solid Waste Director, GJMV-SWMD