



**Environmental  
Protection Agency**

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

May 10, 2012

**RE: BELMONT COUNTY  
SITE - GEN  
NOV**

Dean Hartley  
372 Rosser Ave  
Bellaire, OH 43906

**CERTIFIED MAIL:  
70102780000197044190**

**Re: Open Dumping, Belmont County, Pultney Township**

Dear Mr. Hartley:

On May 2, 2012, the Ohio Environmental Protection Agency investigated a complaint concerning property owned by you in Pultney Township, 54085 Kidd St., Neffs, located in Belmont County, Ohio. The complaint alleged that solid waste was being disposed of on the property. During my investigation, I observed a large quantity of solid waste, shingles, and construction and demolition debris, on the above-mentioned property. The solid waste is in an area designated by the Federal Emergency Management Agency's as a flood plain. For this reason, the Belmont County EMA Director and the Army Corps of Engineers has been notified.

You are in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) Rule 3745-27-05(C).

ORC 3734.03 states in part:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 3745-27-05(C) states:

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping.

The solid waste, shingles, and construction and demolition debris must be removed from the above-mentioned property and disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office for proof of disposal.

Within fourteen (14) days of receipt of this letter, Dean Hartley 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 Dean Hartley 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](mailto:erika.jackson@epa.ohio.gov). If Dean Hartley 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.

**Please respond to this correspondence within 14 days of receipt.** Your response should include details of your actions taken to properly dispose or recycle the current waste on your property. T

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

Sincerely,

A handwritten signature in black ink that reads "Erika Jackson". The signature is written in a cursive, flowing style.

Erika Jackson, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management

EJ/sb

cc: Dave Ivan, Belmont County EMA Director, 68329 Bannock Rd, St. Clairsville, OH 43950  
cc: Army Corps of Engineer, 32655 Belmont Ridge Rd, Piedmont, OH 53983