



Environmental
Protection Agency

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

July 9, 2012

RE: NOTICE OF VIOLATION
ILLEGAL DISPOSAL OF C&DD
COLUMBIANA COUNTY

CERTIFIED MAIL 7011 0470 0002 3496 4611

Bruce A. Helman and/or Katherine A. Helman
48350 Bell School Rd
East Liverpool, Ohio 43920

Dear Mr. and Mrs. Helman:

On June 14, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), visited your property located at 48350 Bell School Road, East Liverpool, Ohio, in response to a complaint forwarded to me by the Columbiana County Health Department that alleged illegal disposal of construction and demolition debris (C&DD) was occurring on your property. I was accompanied by Bart Ray, also representing Ohio EPA.

Columbiana County property records indicate that you are the owners of the aforementioned property. No one was present at this property at the time of my visit.

Upon completing my inspection, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) existed at your property:

1. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection large amounts of C&DD wastes, including but not limited to roofing shingles, drywall, ceiling tile were observed illegally disposed on this property. The illegal disposal of C&DD was taking place adjacent to the driveway and over a hill.

The illegal disposal of C&DD on this property is a violation of the following laws and rules:

- **ORC Section 3714.13(A):** *"No person shall violate any section of this chapter."*
- **ORC Section 3714.13(B):** *"No person shall violate a rule adopted under this chapter."*
- **OAC Rule 3745-400-04(B):** *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

Bruce A. Helman and/or Katherine A. Helman

July 9, 2012

Page 2

- **ORC Section 3714.06(A)**: *"No person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by...the director of environmental protection."*
- **OAC Rule 3745-37-01(C)**: *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

In order to return to compliance with all applicable laws and rules, the owners of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it in a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to my attention at Ohio EPA. The owners of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

During my inspection I observed a burn pile containing various solid wastes including but not limited to cans and bottles. Please be advised that open burning of solid wastes (including, but not limited to cans, bottles, cardboard and garbage) and C&DD is not allowed. Ohio Administrative Code Rule 3745-19-04 states, *"No person or property owner shall cause or allow open burning..."*. Those wastes that remain in the burn pile must be cleaned up and disposed in a licensed solid waste disposal facility. Failure to cease open burning and to remove and properly dispose of those wastes remaining in the burn pile as solid waste will result in additional violations being cited.

The owners of the aforementioned property need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owners of the aforementioned property are 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 to Jerry Weber or electronically at ["jerry.weber@epa.state.oh.us"](mailto:jerry.weber@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 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 owners of the aforementioned property are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Bruce A. Helman and/or Katherine A. Helman
July 9, 2012
Page 3

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,

A handwritten signature in blue ink, appearing to read "J. W. Weber", written over a light blue horizontal line.

Jerry W. Weber, R. S.
Environmental Specialist
Division of Materials and Waste Management

JWW/cl

cc: File: [Sowers/COUN/Columbiana County/GEN/15]

ec: Wes Vins, Columbiana County Health Department
Darren Machuga, DAPC-NEDO