



Environmental  
Protection Agency

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

July 16, 2012

RE: NOTICE OF VIOLATION #5  
OPEN DUMPING  
COLUMBIANA COUNTY

**CERTIFIED MAIL AND**  
**1st CLASS MAIL**

Mr. Lavern F. Gossman, Jr.  
601 Jefferson St.  
PO Box 202  
Salineville, Ohio 43945

**CERTIFIED MAIL 7011 0470 0002 3496 3676**

Dear Mr. Gossman:

On May 2, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), observed a large open dump on property/properties located to the east of State Route 644 and to the south of Dobson Road in Franklin Township, Columbiana County, Ohio. Columbiana County property records indicate that you are the owner of the property/properties. I did not observe anyone at the property/properties at the time of this inspection.

It appeared while observing the property/properties from Dobson Road that significant efforts have been made to clean up the property/properties and to work toward complying with Ohio EPA's Notices of Violation. Given the efforts that appear to have taken place to clean up the open dump located on your property/properties, I would greatly appreciate being able to meet with you at the property/properties. I can be available to meet any day during the weeks of June 25 or July 2, 2012 (except for July 4, 2012). Please call me or email me at the number or email listed at the end of this letter and let me know the date and time that is best for you. Please provide a phone number where I can return your call.

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

1. **Open Dumping of Solid Waste:** During this inspection large amounts of solid waste, including but not limited to, motor vehicle bodies, appliances, scrap tires, 55 gallon drums, televisions, heavy machinery bodies, miscellaneous metals, and miscellaneous solid wastes, among other things, were observed open dumped on this property/properties.

The open dumping of solid waste on your property/properties is a violation of the following laws and rules:

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

- **ORC Section 3734.11(A)**: *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*
- **ORC Section 3734.02(C)**: *"...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director..."*
- **ORC Section 3734.05(A)(1)**: *"...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection..."*
- **ORC Section 3734.05(A)(2)**: *"...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility..."*
- **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*
- **OAC Rule 3745-37-01(A)**: *"No person shall conduct municipal solid waste landfill...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. Each license shall be obtained from...the director..."*

In order to return to compliance with all applicable laws and rules, the owner(s) of this property/properties must immediately remove all solid waste open dumped on this property/properties and properly dispose of it in a licensed solid waste disposal facility. Metal items may be taken to a licensed salvage dealer to be recycled. Scrap tires must be transported via registered scrap tire transporter to a licensed scrap tire disposal facility. Receipts providing proof of disposal at a licensed solid waste facility, licensed salvage dealer, and licensed scrap tire disposal facility must be provided to my attention at Ohio EPA. The owner(s) of this property/properties must also take all necessary measures to prevent solid waste from being open dumped on this property/properties at all times in the future.

I have received no written correspondence from you in response to any of my previous Notices of Violation.

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You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: ["http://www.epa.ohio.gov/dsiwm/pages/tire\\_docs.aspx."](http://www.epa.ohio.gov/dsiwm/pages/tire_docs.aspx)

The owner(s) of the aforementioned property/properties needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner(s) of the aforementioned property/properties 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 owner(s) of the aforementioned property/properties are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

One final time, I would appreciate the opportunity to meet with you at your property in order to discuss the requirements of this letter and to answer any questions you may have regarding this letter. Please contact me at (330) 963-1274, or e-mail me at ["jerry.weber@epa.state.oh.us"](mailto:jerry.weber@epa.state.oh.us) to establish a date and time when we can meet. Thank you.

Sincerely,



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

JWW/cl

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

ec: Lori Barnes, Columbiana County Health Department  
Joe Trocchio, DSW-NEDO