

**Environmental
Protection Agency**

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

July 26, 2012

**RE: BELMONT COUNTY
SITE - GEN
NOV 2**

CERTIFIED MAIL:

70102780000197044220

Dean Hartley, Jr.
PO Box 16
54085 Kidd St.
Neffs, OH 43906

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, Ohio, located in Belmont County. The complaint alleged that solid waste was being disposed of on the property. I sent a "Notice of Violation" (NOV) on May 10, 2012. The NOV was returned undeliverable. On July 25, 2012, Ohio EPA was notified that once again, you were illegally disposing of waste by open burning. 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 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, Jr. 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

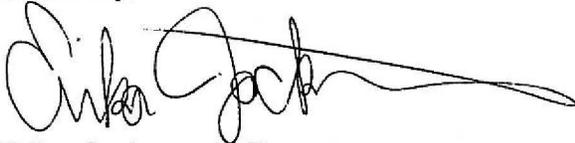
for each violation. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to erika.jackson@epa.ohio.gov. If Dean Hartley is unable to return to compliance within the fourteen (14) day 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.

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, appearing to read 'Erika Jackson', with a long horizontal flourish extending to the right.

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

EJ/sb

cc: Lisa Duvall, DAPC-SEDO

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Total Postage & Fees	\$ 5.75	

Sent To Dean Hartley, Jr.
 Street, Apt. No., or PO Box No. P.O. Box 16, 54085 Kidd St.
 City, State, ZIP+4 Nevs, OH 43906

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dean Hartley, Jr.
P.O. Box 16
54085 Kidd St.
Nevs, OH 43906

COMPLETE THIS SECTION ON DELIVERY

A. Signature [Signature] Agent Addressee

B. Received by (Printed Name) DEAN HARTLEY JR C. Date of Delivery 8/1/12

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

NEVS OH 43906

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery (Extra Fee) Yes

2. Article Number

(Transfer from service label)

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