



**Environmental
Protection Agency**

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

August 9, 2012

**MUSKINGUM COUNTY
SITE - GENERAL
NOV**

Mr. Christopher Cannon
3480 Maysville Pike
Zanesville, OH 43701

Dear Mr. Cannon:

On May 1, 2012, the Ohio Environmental Protection Agency received a complaint alleging open dumping of solid waste on property owned by you (parcel #47-22-03-05-001) at 5100 Limestone Valley Road, White Cottage, in Muskingum County. On May 1, 2012, I performed an inspection of the property and confirmed that solid waste, construction and demolition debris, and scrap tires appeared to have been dumped between the two house trailers located on the property.

On August 7, 2012, I re-visited the site to determine the status of any clean-up activities. Based upon this inspection, it did not appear that much, if any, material had been removed from the property.

Please note that the above noted dumping of solid waste and scrap tires is in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) 3745-27-05(C).

ORC 3734.03 states in part:

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

OAC 3745-27-05(C) states:

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 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.

The above noted open dumping of C&DD is in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code Rule 3745-400-04(B), which states in part:

No person shall conduct or allow illegal disposal of construction and demolition debris. . .

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 solid waste and construction and demolition debris on your property. Failure to address listed violations and respond within this timeframe may result in escalated enforcement against you for violation of Chapter 3734. 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 mark.mansfield@epa.ohio.gov. If you are unable to return to compliance within the fourteen (14) day timeframe, please contact me at (740) 380-5428.

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, Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please feel free to contact me at this office. You can reach me either by mail or by calling me at (740) 380-5428.

Sincerely,



Mark Mansfield
Environmental Specialist II
Division of Materials and Waste Management

MM/cb