



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

October 23, 2012

**RE: HARRISON COUNTY
SITE – GENERAL**

Village of Jewette
PO Box 192
110 W. Main Street
Jewett, Ohio 43986
Attn: Mayor Dwight Busby

Dear Mayor Busby :

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint in April of 2010 that open dumping of solid waste was occurring on property owned by the Village of Jewett. On April 27, 2010, I met with you to conduct an investigation of the complaint. At the time of my investigation I determined the complaint valid and determined that violations of Ohio's solid waste and construction and demolition debris regulations had occurred. On May 24, 2010, a notice of violation was issued to the village. The dump site is located on Hanover Ridge Road, Harrison County, Ohio.

On September 26, 2012, I conducted a follow up inspection of the dump site to determine if any progress had been made to correct the aforementioned violations. At the time of my inspection, I observed solid waste consisting of scrap tires, solid waste (including street dirt) and construction and demolition debris. The disposal of these materials and at any location other than an approved solid waste disposal facility is considered open dumping and is prohibited by Ohio Law.

Please be advised that open dumping of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). In addition, the illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the OAC. Specifically:

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

OAC Rule 3745-27-05(C) - 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.

OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

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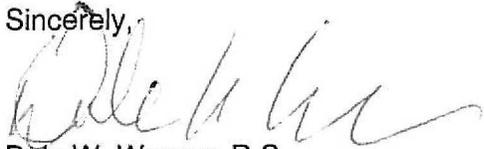
Therefore, the Village of Jewett is currently in violation of ORC Chapter 3734.03 and OAC Rules 3745-27-05(C) and 3745-400-04(D).

In addition, open dumping of solid waste may create a nuisance and/or health hazard, and as such may be considered by the Harrison County Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

Open dumping of solid waste and construction and demolition debris should cease. All solid waste and construction and demolition debris should be removed from the property and taken to a licensed disposal facility for proper disposal. Please obtain copies of receipts from the approved disposal facility that receives the waste and provide copies to this District Office in order to document your compliance.

Please respond to this letter, in writing, within 15 days detailing the actions the Village of Jewett has taken and will take in the future to comply with Ohio's solid waste regulations and laws. Should you have any questions, please contact me at (740) 380-5435.

Sincerely,



Dale W. Warner, R.S.
Environmental Specialist II
Division of Material and Waste Management

cc: Harrison County Health Department

DWW/mr