



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

October 23, 2012

**RE: HARRISON COUNTY
SITE – GENERAL**

Mr. Kenneth Buell
541 Ramonford Ct.
Westerville, Ohio 43081

Dear Mr. Buell:

On September 7, 2010, a notice of violation was issued to you by the Ohio Environmental Protection (Ohio EPA) Southeast District Office (SEDO) regarding the open dumping of scrap tires and other solid waste on property owned by you on Hanover Ridge Road in Harrison County, Ohio. On April 17, 2012, I conducted a follow up inspection at the open dumping site owned by you on Hanover Ridge Road. As discussed with you in the past you are ultimately responsible for the cleanup of this site. On March 2, 2012 and April 3, 2012, I received copies of receipts for the disposal of scrap tire by the Campbell Scrap Tire Company Inc. It appears that you have removed most of the scrap tires that have been dumped on your property. In your letter of March 2, 2012, you mentioned that once you complete the removal of the scrap tires you will move forward on cleaning up the remaining waste. On September 26, 2012, a follow up inspection was conducted to determine compliance with Ohio Administrative Code 3745-27-05 (C). At the time of my inspection significant amounts as solid waste remained dumped along the hill side next to where Ohio EPA removed scrap tires. You continue to be in violation of the aforementioned regulation.

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

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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.

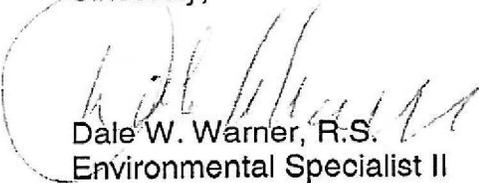
OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Therefore, you are 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. Due to the length of time that this case has been ongoing and your failure to correct the violation this case is being referred to our central office for enforcement action. Should you have any questions or would like to set up a meeting on-site to discuss this situation further, 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