Ohio EPA
40 years and moving forward

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

November 21, 2012

SCIOTO COUNTY
SITE - GEN

Rachel Fitzgerald
2947 Woods Ridge Rd
Sciotoville, Ohio 45662

Dear Ms. Fitzgerald:

On November 6, 2012, I conducted a complaint investigation at property you own located on State Route 335 south of Minford in Harrison Township in Scioto County. The complainant indicated that open dumping of solid waste and/or illegal disposal of construction & demolition debris was taking place at the site. The complainant was also concerned about contamination from the site entering the nearby stream.

At the time of my investigation I observed a significant pile of solid waste and construction & demolition debris open dumped on the property. The pile contained old furniture, demolition debris, bags of trash and other miscellaneous solid waste. I took a number of pictures while I was at the site.

Please be advised that open dumping of solid waste or illegal disposal of construction & demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). 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.

Based upon my findings during the inspection, you are noted to be in violation of the aforementioned law and rules. As such you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws.

Within 14 days of receipt of this letter, you 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, including written correspondence and/or photographs, should be submitted to this office.

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. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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.

If you have any questions, please contact me by telephone at (740) 380-5439 or by e-mail at joe.holland@epa.state.oh.us.

Receipts must be retained showing all waste was properly disposed of at a licensed facility.

Sincerely,

P. Joe Holland, R.S.
Environmental Specialist II
Division of Materials and Waste Management
Southeast District Office

PJH/mr