



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

November 21, 2012

**WASHINGTON COUNTY  
SITE - GEN**

Mr. John Epler  
John Epler Company  
21 Epler Road  
Lowell, Ohio 45744

Dear Mr. Epler:

On October 2, 2012, I conducted an inspection of the John Epler Company ("JEC") on Epler Road (Township Road 150) near Lowell, Ohio. At the time of the inspection I was accompanied by Rich Stewart and Donna Goodman of the Division of Materials and Waste Management. The inspection was conducted in an attempt to determine the extent of waste dumped at the site and to collect samples of the waste material. You met us at the site at the time of the inspection.

During the inspection we observed intermixed waste consisting of secondary aluminum production waste, ash, spent foundry sand and other related waste open dumped across an area encompassing approximately one acre. Depth of the waste varied from approximately one foot in some areas to a pile next to the building that was about ten feet in height. Some waste was generated on site from an open furnace used for melting of aluminum scrap. Other wastes appear to be transported to the site from Sewah Studios in Marietta, Ohio.

While at the site Mr. Stewart and I collected samples of the waste material from five different locations on the property. The sampling results indicate the material is not a characteristic hazardous waste. However, the material is defined as a solid waste in accordance with Ohio Revised Code (ORC) Chapter 3734 and Ohio Administrative Code (OAC) Rule 3745-27-01.

Please be advised that open dumping of solid waste is in violation of the 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. (Emphasis added).

**JOHN EPLER COMPANY**  
**NOVEMBER 21, 2012**  
**PAGE 2**

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.

Ohio EPA encourages you work together with Sewah Studios to clean up the illegally disposed waste at the Epler Road site and to abate the above noted violations in an expeditious manner.

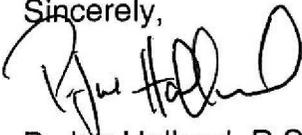
Violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, 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](mailto:joe.holland@epa.state.oh.us).

Receipts must be retained showing all waste was properly disposed of at a licensed facility. The facility nearest you in Ohio that accepts this type of waste is the Athens-Hocking Reclamation Center Landfill located west of Nelsonville, Ohio.

Sincerely,



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

PJH/mr