



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

November 29, 2012

**RE: BELMONT COUNTY
SITE - GEN
NOV 2**

Gary Anderson
1883 Belmont St.
Bellaire, OH 43906

**CERTIFIED MAIL
#70102780000197061418**

Re: Open Dumping, Belmont County, Pultney Township

Dear Mr. Anderson:

On November 20, 2012, the Ohio Environmental Protection Agency received pictures indicating that you had cleaned up the waste dumped in McMahan Creek. On November 28, 2012, I did a follow-up inspection to determine compliance. Although a considerable amount of waste was removed, there is still a significant amount of waste remaining see attached picture taken November 28, 2012. Please continue to submit receipts as you remove waste.

You remain in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) Rule 3745-27-05(C).

ORC Section 3734.03 states in part:

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

OAC Rule 3745-27-05(C) states:

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping.

The solid waste, shingles, and construction and demolition debris must be removed from the above-mentioned property and disposed of at a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office for proof of disposal.

Within fourteen (14) days of receipt of this letter, Gary Anderson. is requested to provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Gary Anderson for violation of Chapter 3734. (or 3714.) 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 erika.jackson@epa.ohio.gov. If Gary Anderson is unable to

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return to compliance within the fourteen (14) day timeframe, please contact Erika Jackson at (740) 380-5228.

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.

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 waste on your property.

If you have any questions, please contact me at this office. You can reach me at (740) 380-5228.

Sincerely,

A handwritten signature in black ink, appearing to read "Erika Jackson", with a long horizontal flourish extending to the right.

Erika Jackson, R.S.
Environmental Specialist II
Division of Materials and Waste Management

EJ/mr

cc: Ken Mettler-Special Investigator, SEDO

Enclosure: Picture of dump in creek

BELMONT COUNTY
McMAHON CREEK DUMP
NOVEMBER 28, 2012 - ERIKA JACKSON, DMWM/SEDO



Figure 1

7010 2780 0001 9706 1418

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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NOV 30 2012

Sent To Gary Anderson 43136

Street, Apt. No.,
or PO Box No. 1883 Belmont St

City, State, ZIP+4 Bellaire OH 43906

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Gary Anderson</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>12-4</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><u>Gary Anderson</u> <u>1883 Belmont St</u> <u>Bellaire OH 43906</u></p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p>7010 2780 0001 9706 1418</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	