Clark Co.
Sue Taylor Tire
Enforcement

OhioEPA
State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

February 13, 2009

Ms. Sue Taylor
8907 W. National Road
New Carlisle, Ohio 45344

**RE: 8907 W. National Road, Clark County**
**Notice of Violation- Open Dumping of Solid Wastes**

Dear Ms. Taylor:

On May 17, 2007, April 8, 2008, September 10, 2008 and February 10, 2009, Ohio EPA conducted multiple inspections of your property located at 8907 W. National Road, Clark County, Ohio (the "Property"). The purpose of these inspections was to determine compliance with Ohio's solid waste laws and regulations.

During these inspections, the following was observed:

1. Several piles of miscellaneous solid wastes remain along the property including but not limited to a crushed television set, two empty 50-gal drums, beer bottles, a set of concrete stairs with outdoor carpet, approximately 50-100 commercial sized rubber floor mats, concrete culvert pipes, drainage pipes, the hard top of a jeep, and scattered litter at the entrance.

   Open Dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

   > **"Open dumping" means the depositing of solid wastes into a body of or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.**

   Failure to remove all solid wastes that have been dumped on the Property is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

> **"No person shall dispose of solid wastes...by open burning or open dumping..."**

This is also a violation of OAC Rule 3745-27-05(C), which states:

> **"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."**

The above violations of the ORC, and OAC, constitute a violation of ORC 3734.11(A) which states:

> **"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."**

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal at a licensed sanitary landfill. **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a re-inspection scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law.**

**Please be advised that the Respondents continued failure to comply with Ohio's Solid Waste Laws may result in escalated enforcement.**

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Please respond in writing within fourteen (14) days of receipt of this correspondence outlining what steps have been taken to remedy the aforementioned violations.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,

Maria Lammers
Environmental Specialist
Division of Solid and Infectious Waste Management

Enclosures: Copies of Photos taken during 2/10/09 inspection

cc: Anne Kaup-Fett, Clark County Combined Health District w/enclosures
Matt Boyer, DSIWM-CO w/enclosures

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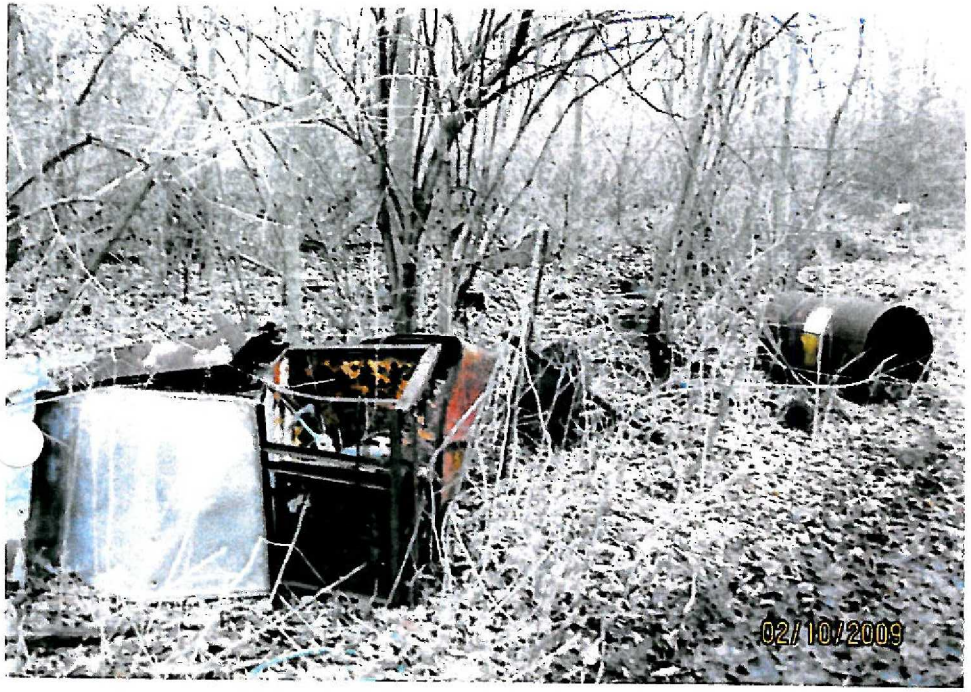
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