

**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Konecki, Director

April 13, 2010

Mr. Jason Jackson
6760 W. Alexander Road
Middletown, Ohio 45042

Re: Jason Jackson Property Complaint, Open Dumping of Solid Waste, Butler
County

Dear Mr. Jackson,

On March 26, 2010, I visited your property located at the intersection of West Alexander and Kalbfleisch Roads, in response to a complaint of open dumping of Solid Waste at the location mentioned above. The purpose of this investigation was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During my complaint investigation, it was discovered that there was open dumping of solid waste on the property potentially creating an un-licensed solid waste facility.

Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations. The following violations are being cited as a result of my investigation:

1) ORC Section 3734.01(I): Open Dumping

-This regulation 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.

- a) The open dumping and open burning of solid wastes observed on your property is a violation of Ohio Revised Code (ORC).

Mr. Jason Jackson
April 13, 2010
Page 2

2) OAC Section 3745-27-05(C), Open Dumping:

-This regulation states in part:

"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".

- a) By open dumping solid waste on your property, you have created an illegal disposal facility.

Please respond in writing within thirty (30) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

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.

If you have any questions, please contact me at (937) 285-6648.

Sincerely,



Pat Willoughby, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

PW/mab