



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

January 8, 2013

Mr. Daryl Nicely  
6037 TR 1378  
Chesapeake, Ohio 45619

**RE: Lawrence County  
SITE-GEN**

Dear Mr. Nicely:

I am writing as a follow-up to my December 28, 2013 complaint investigation of illegal disposal of construction & demolition debris (CDD) and solid waste at your property. I was accompanied by Officer Steve Hileman of the Lawrence & Scioto Solid Waste District during this investigation.

During this investigation, we observed that a significant amount of prohibited material has been brought to your property for disposal. You were advised at this time that the material must be removed for proper disposal.

The following violations of Ohio law were observed at your property:

**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.

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

**OAC Rule 3745-400-04 (B)** - No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

You were also issued a Violation Notice by Officer Hileman on December 28. I encourage you to take immediate action to address all violations at this location to avoid escalated enforcement in the Lawrence County court system. Additional action by Ohio EPA and the Ohio Attorney General is also a possibility if conditions persist at this location.

As indicated during our December 28 investigation, Officer Hileman and I will be returning to monitor compliance in the coming days. Please contact me at 740/380-5219 if you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "P. C. Thompson", written in a cursive style.

Peter C. Thompson  
Division of Materials and Waste Management

PCT/mr

cc: Lawrence & Scioto Solid Waste District



**VIOLATION NOTICE**

Lawrence, Scioto SWMP  
Recycling and Litter Prevention  
305 North 5th St  
Ironton, Ohio 45688  
740-532-1241 • 740-532-1249  
or Toll Free 1-888-565-7888

Date: 12/28/12 Time: 11:50 hrs 000394

Name: Daryl Nicely DOB: 11-14-64

OLN: \_\_\_\_\_ State: OH SSN: 7911

Address: 6037 W Rd 1378 PE# 0049423290

City: Phazansville State: OH Zip: \_\_\_\_\_

Location of violation: Side Grage

**NOTICE OF VIOLATION**

- 505.374 Prohibition (Township Regulation; unpermitted burning)
- 953.25 Disposal Requirements
- 3704.05 Acts of Air Pollution Prohibited
- 3709.21 Local Board of Health Regulations
- 3714.06 Unlicensed C & DD Facility
- 3714.13 C&DD Violation Prohibited
- 3734.02 C Unpermitted Solid Waste Facility
- 3734.02 F Transportation, Treatment, Storage, Disposal of Hazardous Waste
- 3734.03 Open Burning / Open Dumping
- 3734.05 A1 Unlicensed Solid Waste Facility
- 3734.83A Registration of Transporters
- 3737.51 Violation of Fire Code or Order Prohibited
- 3767.14 Prohibition against throwing refuse, oil, filth into lakes, streams, drains
- 3767.32A Restrictions on depositing litter
- 3767.32B Unauthorized use of Dumpster
- 6111.04 Acts of Water Pollution Prohibited
- \_\_\_\_\_ Other \_\_\_\_\_

**COMPLIANCE INSTRUCTIONS**

- Removal of all trash, debris, litter, dump sites from above location.
- Required to take all trash, debris, and litter to a licensed landfill.
- Required to remove tires, batteries, and used oil to an authorized facility.
- Required to secure refrigerator / freezer doors.
- Required to comply with Junk Vehicle Notice provided.
- Store Scrap Tires in a location to prevent mosquito breeding.
- Required actions when mosquitoes observed (aerialicide)
- Required to comply with OAC 4009.04
- Required to present receipt to Solid Waste Investigator upon inspection.

Requirements are due on 1-18-13 at 12:30

Estimated number of Scrap Tires \_\_\_\_\_ Batteries \_\_\_\_\_

Notice: Compliance instructions are required to be followed exactly as ordered by the Investigator. Failure to follow the above instructions can and will result in criminal charges being filed, abatement to the property, or both.

[Signature] 12/28/12  
Investigator's Signature Date Served

White: Prosecutor Pink: Case File Yellow: Violator