



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

January 16, 2013

**RE: NOTICE OF VIOLATION
OPEN DUMPING
COLUMBIANA COUNTY**

CERTIFIED MAIL 7012 1010 0000 9467 7292

Joseph E. Johnson
168 Duncan Avenue
East Liverpool, Ohio 43920

Dear Mr. Johnson:

On November 26, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint investigation of properties on Duncan Avenue in Liverpool Township, Columbiana County, Ohio. Columbiana County Auditor's records indicate that you are the owner of these properties (168 Duncan - parcel # 3601384000, and 226 Duncan - parcel # 3601813000). No one was present at this property at the time of my visit, so my observations occurred from the roadway. During the investigation, I observed open dumping of solid waste and scrap tires, and illegal disposal of construction and demolition debris on the subject properties.

Upon completing my inspection of the subject properties, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) exist at the subject property:

1. **Open Dumping of Solid Waste:** During this inspection solid waste, including but not limited to household waste, scrap tires, and appliances were observed open dumped on these properties. In order to return to compliance with all applicable laws and rules, the owner of these properties must immediately remove all solid waste open dumped on these properties and properly dispose of it at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner of these properties must also take all necessary measures to prevent additional solid waste from being open dumped on these properties.

The open dumping of solid waste on these properties is a violation of the following laws and rules:

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

- **ORC Section 3734.02(C)**: *“...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director...”*
- **ORC Section 3734.05(A)(1)**: *“...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection...”*
- **ORC Section 3734.05(A)(2)**: *“...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility...”*
- **ORC Section 3734.11(A)**: *“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.”*
- **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*
- **OAC Rule 3745-37-01(A)**: *“No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director...”*

2. **Illegal Disposal of Construction and Demolition Debris (C&DD)**: During this inspection C&DD wastes, including but not limited to dimensional lumber and boards were observed illegally disposed on these properties. In order to return to compliance with all applicable laws and rules, the owners of these properties must immediately remove all C&DD illegally disposed on these properties and properly dispose of it at a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owners of this property must also take all necessary measures to prevent C&DD from being illegally disposed on these properties.

The illegal disposal of C&DD on these properties is a violation of the following laws and rules:

- **ORC Section 3714.06(A)**: *“No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license issued by...the director of environmental protection.”*

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- **ORC Section 3714.13(A)**: *"No person shall violate any section of this chapter."*
- **ORC Section 3714.13(B)**: *"No person shall violate a rule adopted under this chapter."*
- **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."*
- **OAC Rule 3745-37-01(C)**: *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

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 includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to jerry.weber@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapters 3734 and 3714 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. It is imperative that you return to compliance. 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.

Failure to correct the above violations may result in escalated enforcement action being recommended against the owner of these properties by Ohio EPA.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or preferably, e-mail me at jerry.weber@epa.ohio.gov.

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Materials and Waste Management

JWW/cl

cc: File: [Singh/COUN/Columbiana County/GEN/15] DMWM # None

ec: Lori Barnes, Columbiana County Health Department