



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

January 11, 2013

**SCIOTO COUNTY  
SITE - GEN**

Rachel Fitzgerald  
2947 Woods Ridge Rd  
Sciotoville, Ohio 45662

Dear Ms. Fitzgerald:

On November 21, 2012, I sent you a Notice of Violation (NOV) letter regarding property you own located on State Route 335 south of Minford in Harrison Township in Scioto County. The NOV cited you for open dumping of solid waste and illegal disposal of construction & demolition debris at the property and requested you provide documentation of steps taken to abate the observed violations within 14 days. On November 26, 2012, I was contacted by Davies Excavating, on your behalf, regarding the clean-up of the property. During our telephone conversation it was indicated that action would be forthcoming to remove and properly dispose of the waste at the site.

On January 8, 2013, a follow-up visit to the site found that no action had been taken to remediate the existing violations. I again observed a significant pile of solid waste and construction & demolition debris open dumped on the property. The pile contained old furniture, demolition debris, bags of trash and other miscellaneous solid waste.

As stated in my original letter, open dumping of solid waste or illegal disposal of construction & demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

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

**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.

**OAC Rule 3745-400-04(D)** - No person shall conduct or allow illegal disposal of construction and demolition debris.

Based upon my findings during the follow-up inspection, you continue to be in violation of the aforementioned law and rules. As such you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws.

**RACHEAL FITZGERALD**  
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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, including written correspondence and/or photographs, should be submitted to this office.

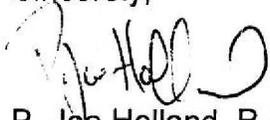
Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against you for violation of Chapter 3734 of the Ohio Revised Code, which carries a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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.

If you have any questions, please contact me by telephone at (740) 380-5439 or by e-mail at [joe.holland@epa.state.oh.us](mailto:joe.holland@epa.state.oh.us).

Receipts must be retained showing all waste was properly disposed of at a licensed facility.

Sincerely,



P. Joe Holland, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management  
Southeast District Office

PJH/mr