



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

January 17, 2013

**RE: WASHINGTON COUNTY
SITE - GEN**

Donna O'Brien
904 Fourth Street
Marietta, Ohio 45750

Dear Ms. O'Brien:

On October 22, 2012, I spoke with you by telephone regarding a Notice of Violation (NOV) letter hand delivered to you by Deputy Eric Hunter of the Washington County Sheriff's Department. The letter was in reference to property you own located at 3995 Pleasant Ridge Road (parcel #180067175000) near Marietta in Lawrence Township, Ohio in Washington County.

The letter cited you for allowing and/or conducted open dumping of solid waste at the above mentioned property. During our telephone conversation you stated that your son, Jimmy O'Brien, had dumped the solid waste at the site and you agreed to have it removed and provide receipts showing proper disposal no later than November 30, 2012. You also indicated that no further dumping would occur at the site.

On Monday, October 29, 2012, I was notified that the Washington County Sheriff's Department had responded to open burning activity at the Pleasant Ridge Road location. It appears that Jimmy had lit the waste and was attempting to open burn it.

We again spoke on the telephone on November 29, 2012, at which time you requested an additional two weeks to bring the property into compliance. You stated that due to financial hardship you were unable to remove the waste until around December 10, 2012.

On January 9, 2013, I conducted a follow-up visit to the property and found that no waste had been removed. All waste originally observed at the site appears to still be open dumped on the property.

As I have previously stated, open dumping of solid waste and/or illegal disposal of construction and 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. (Emphasis added).

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

Also, as I have advised, brush, tree trunks, tree stumps and pruning from trees or shrubs is by definition a solid waste and must be managed as such. Once this type of vegetative waste is removed from its original point of generation it must be managed as a solid waste and properly recycled or disposed.

Based upon these recent actions and our telephone discussion, you continue to be in violation of the aforementioned laws and rules. Pursuant to our conversation you need to take the necessary measures to return to compliance with Ohio's environmental laws. Please immediately cease all open dumping **and open burning** of solid waste and illegal disposal of construction and demolition debris. All solid waste and construction & demolition debris, including the tree debris, at the site must be collected and properly disposed of in order to comply with the above mentioned ORC and OAC laws and rules.

Per our conversation, 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.

Violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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. 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. If the violations are not abated within 14 days of receipt of this letter, escalated enforcement action may be necessary.

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.

DONNA O'BRIEN
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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.

As I have previously indicated, receipts must be retained showing all waste was properly disposed of at a licensed facility.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Joe Holland". The signature is written in a cursive style with a large, looped initial "P".

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

PJH/mr