



Re: Open Dumping/Scrap Tire Accumulation
Wood County
Notice of Violation

February 4, 2013

Mr. Mike and Mrs. Sara Melcher
8505 Scott Ridge Road
Bowling Green, Ohio 43402

Dear Mr. & Mrs. Melcher:

On January 25, 2013, Kristen Tillison, Curtis DeLong, and I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of your property from the driveway in response to a complaint. We observed a pile of solid waste on the property located at 8505 Scott Ridge Road, Bowling Green, Ohio. There was a pile near to the creek containing siding, miscellaneous solid waste and brush. There were also several scrap tires (fewer than 20) piled around the barn. Solid waste must be managed in accordance with the regulations listed below.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

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Open dumping is defined in Ohio Revised Code (ORC) Section 3734.01(I) as (in pertinent part):

... depositing of solid wastes into a body 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 or, if the solid wastes consists of scrap tires, as a scrap tire collection, storage monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consists of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code;...

Open dumping is defined in OAC Rule 3745-27-01(O)(4)(b) as (in pertinent part):

... the deposition of solid wastes that consist of scrap tires into waters of the state, and also means final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility ...

ORC Section 3734.03 states in pertinent part:

No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code...

OAC Rule 3745-27-05(C) states:

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.

The owner/operator of the property located at 8505 Scott Ridge Road, Bowling Green, Ohio, is in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid waste onto the surface of the ground.

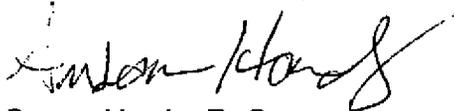
The owner/operator must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner/operator is requested to provide documentation to this office including the steps that will be taken to abate the violations cited above.

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Documentation of steps taken to return to compliance include written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to Susan.Hardy@epa.ohio.gov.

If you have any questions feel free to contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R. S.
Environmental Specialist
Division of Materials and Waste Management

/cg

pc: Bowling Green City Council
Dave Steiner, Wood County Planning Commission
File: DMWM/SW, Wood County, Open Dumping

ec: Mike Reiser, DMWM, NWDO
Kristin Tillison, DMWM, NMDO
Curtis DeLong, DMWM, NWDO

Please be advised that the violations cited above will continue until violations have been properly abated. Failure to comply with Chapter 3734 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, the owner/operator is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.