



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

March 13, 2013

RE: **SCIOTO COUNTY
SITE - GEN**

Vera Pertuset
82 Jacquays Run Road
McDermott, Ohio 45652

Dear Ms. Pertuset:

On March 8, 2013, a complaint investigation was conducted at property you own located at 17033 State Route 73 (parcel # 21-0518.000) near McDermott in Scioto County. The complainant indicated that open dumping of solid waste in the form of scrap tires had taken place at the site. At the time of my investigation no one was available at the property.

While at the site I observed approximately two to three hundred scrap tires mostly stacked along the rear of the property. Additional scrap tires were staged behind the building. A number of pictures were taken documenting these site conditions during my visit.

Please be advised that open dumping of solid waste is in violation of the 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.

Based upon my investigation and findings, you are in violation of the aforementioned laws and rules. As such, you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Please immediately cease all open dumping of scrap tires at the site. All scrap tires at the site must be properly disposed of or properly recycled in order to comply with the above mentioned ORC and OAC laws and rules.

Within 14 days of receipt of this letter, you are requested to provide documentation to

VERA PERTUSEY
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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.

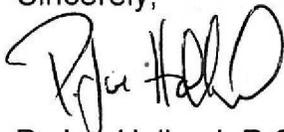
Violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder, may result in a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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 e-mail at Joe.Holland@epa.state.oh.us.

Receipts must be retained showing all scrap tires were properly disposed of or recycled at a licensed facility.

Sincerely,



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

PJH/mr