



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

April 16, 2013

RE: ADAMS COUNTY
SITE-GEN

Charles Cundiff
296 George Biely Road
West Union, Ohio 45693

Dear Mr. Cundiff:

Ohio EPA has received multiple complaints of illegal disposal of solid waste at your property located at the above address in Adams County. On April 2, 2013, I conducted a site investigation of this property.

During this investigation, you were not present. I met with your partner, Ms. Shepherd, who allowed me to walk back and view the pit. I observed a large amount of solid waste in a shallow excavated pit behind the trailer site and the outbuilding. Solid waste was spread in and around the pit. The pit holds water and the solid waste in the pit was in contact with water. Some other solid waste was scattered about the property.

Although an exemption exists in Ohio law for waste from a single family dwelling that is managed on the site where it is generated, it is predicated on the requirement that the situation does not cause a nuisance or a health hazard. Municipal waste sitting in a pit of water does not meet this requirement.

I spoke with you by telephone on April 9, 2013 about your situation. You stated that you had removed much waste from the pit left by the previous landowner. You said you then used this pit to clean up some of the debris around the property. I explained that the current pit was in violation and that this activity must cease.

Please be advised that open dumping of solid waste are violations of Ohio Revised Code (ORC) and Ohio Administrative Code (OAC). Specifically:

ORC Section 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 responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise

ADAMS COUNTY
SITE-GEN
PAGE 2

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.

You are in violation of these statutes. Disposal of solid waste in this manner should cease. All material should be removed for proper disposal. The material must be legally disposed of at a licensed solid waste facility.

Please provide a copy of your disposal receipts to this office. Please respond in writing within 14 days receipt of this letter as to your intentions to address the violations that exist on your property. Should you have any questions regarding this letter, please feel free to contact me at (740) 380-5438.

Sincerely,



Daniel L. Bergert, R.S.
Division of Materials and Waste Management

DLB/cb

cc: Jason Work, R.S., Adams County Health Department