Ohio EPA
40 years and moving forward

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

April 17, 2013

HOCKING COUNTY
SITE - GEN

Hester Young
C/O Beverly Howard
P.O. Box 229
Etna, Ohio 43018

Dear Mr. Young:

On April 8, 2013, a complaint investigation was conducted at property located on Washington Avenue (Parcel #2001186.0000) in Falls Township in Hocking County. The complainant indicated that open dumping and open burning of solid waste and/or illegal disposal of construction and demolition debris was taking place at the site. Records in the Hocking County Courthouse indicate that the property is owned by you.

At the time of my investigation, no one was available at the property. At the site I observed miscellaneous solid waste dumped around the property including a partially burned manufactured home and camper. Evidence of open burning was also noted.

Please be advised that open dumping and open burning 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.

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 inspection, you are in violation of the aforementioned law and rules. As such you need to immediately cease and desist with all open dumping and open burning and take the necessary measures to return to compliance with Ohio's environmental laws.

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.

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

cc: Wendy Hanna, Hocking County Health Department