



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

Re: Notice of Violation  
10609 County Road 12-30 Montpelier  
Williams County  
Open Dumping – Case #12-42

April 17, 2013

Ms. Lori Wilson  
10609 County Road 12-30  
Montpelier, Ohio 43543

Dear Ms. Wilson:

On August 13, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) received a complaint regarding the property that is owned by you, at 10609 County Road 12-30, Montpelier, Ohio, Williams County (Site). The Site is identified as Parcel # 072-130-00-004.001 by the Williams County Auditor. The complainant alleged that trash is in piles, pushed into a swamp behind the property, and/or buried on the Site.

On September 7, 2012, Ohio EPA initially visited the Site to investigate the complaint, but was unable to determine if open dumping was occurring due to the overgrowth of grass. On April 1, 2013, I, along with Mr. Jeremy Scoles representing Ohio EPA conducted a follow up investigation of the Site. You were present at the end of the investigation.

During the investigation I observed a pile of solid waste, construction and demolition debris, and materials scattered in different areas on the Site (See enclosed pictures). At the end of the inspection you stated that you have taken two loads from the property to Northwest Recycling. Two receipts dated October 17, 2012, and October 18, 2012 were provided. You were made aware that the materials observed on the Site still need to be taken care of and it is your responsibility to ensure the Site is properly cleaned up.

**SOLID WASTE:**

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, . . . , 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.*

**For placing solid waste on the ground, the property owner of this Site is in violation of the following rules and laws:**

1. **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.*

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

*"Open dumping" means the following: (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734 of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.*

2. **Ohio Revised Code (ORC) Chapter 3734.03** (in pertinent part):

*No person shall dispose of solid waste by open burning or open dumping,...*

**These violations will continue until all solid waste open dumped at this site is removed and properly disposed at a solid waste facility.**

**CONSTRUCTION AND DEMOLITION DEBRIS:**

Construction and demolition debris is defined in OAC Rule 3745-400-01(F) as (in pertinent part):

*"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. . . .*

*For the purpose of this definition, "materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure," are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles. . . .*

Ms. Lori Wilson  
April 17, 2013  
Page 3

**For placing C&DD on the ground, the property owner of this Site is in violation of the following rules and laws:**

1. OAC 3745-400-04(B):

*No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.*

Illegal Disposal is defined in OAC 3745-400-01(S) as:

*"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility operated in accordance with Chapter 3714 of the Revised Code, and Chapters 3745-400 and 3745-37 of the Administrative Code, a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code, and licensed in accordance with Chapter 3745-37 of the Administrative Code, or as otherwise authorized by this Chapter.*

**These violations will continue until all C&DD illegally disposed at this site is removed and properly disposed at a solid waste or C&DD facility.**

Open dumping and illegal disposal must stop, and correction of the above violations must start immediately. Ensure all solid waste and C&DD is collected and properly disposed. 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 includes disposal receipts, and photographs, as appropriate, and may be submitted via the postal service (347 North Dunbridge Road Bowling Green, Ohio 43402) or electronically to [kristin.tillison@epa.state.oh.us](mailto:kristin.tillison@epa.state.oh.us).

Please be advised that 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. It is imperative that you return to compliance. 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.

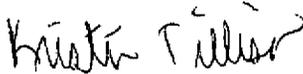
This correspondence addressed specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the property at the time of inspection.

Compliance with the requirements outlined in this letter, the solid and infectious waste, or construction and demolition debris provisions contained in the Ohio Revised Code Chapter 3734 or 3714 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

Ms. Lori Wilson  
April 17, 2013  
Page 4

If you have any questions feel free to contact me at 419-373-3064.

Sincerely,



Kristin Tillison, RS  
Environmental Specialist II  
Division Materials and Waste Management

/cg

Enclosure

pc: File: DMWM-SW, Williams County, Dump Sites  
Steve Long, Williams County Health Department

ec: Jeremy Scoles, Ohio EPA