



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

May 13, 2013

**RE: HARRISON COUNTY
SITE – GENERAL**

Holmes Limestone Company
P.O Box 295
Berlin, Ohio 44610

Dear Sir/Mam:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint that open dumping of solid waste may be occurring on property owned by you based on a review of the legal records at the Harrison County Engineers Office. The illegal dump site is located on Monroe Township Road 211, in Harrison County, Ohio.

In response to the complaint, I conducted an initial investigation on April 3, 2013, and since that time have researched property ownership and spoken with your company regarding this issue. During my investigation, I observed a very large open dump covering an area close to an acre in size. The area was in a ravine and appeared to be very active and consisted of house hold waste, commercial waste, demolition debris, scrap tires, and other solid waste.

In accordance with Ohio law, as the legal property owner, you are ultimately responsible for any illegal actions that take place on your property. This includes the cleanup of the above referenced illegal dump.

Please be advised that open dumping of solid waste is a violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C). In addition, the illegal disposal of C&DD is a violation of Chapter 3714 of the ORC and Chapter 3745-400 of the OAC. 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.

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MAY 13, 2013

PAGE 2

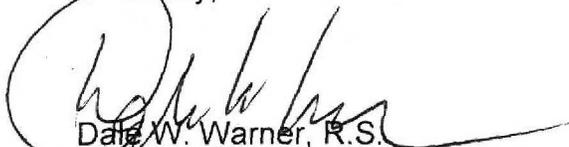
OAC Rule 3745-400-04(D) - No person shall conduct or allow illegal disposal of construction and demolition debris.

On March 21, 2013, I conducted a site investigation based on all the information I have and determined that your property appears to contain a portion of the open dump. Within 14 days please provide to the Southeast District Office the steps that you will take to abate the violations cited above. Written correspondence of the steps that will be taken to return to compliance, this written documentation may be submitted via the postal service or electronically to dale.warner@epa.state.ohio.gov. As discussed I have also included a consensual scrap tire agreement that if signed by both parties will allow the Ohio EPA access to cleanup scrap tires from your property if approved.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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, please submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please contact me within 15 days at (740) 497-8227 to set up a site meeting to discuss the abatement of the violations of Ohio's solid waste regulations.

Sincerely,



Dale W. Warner, R.S.
Environmental Specialist II
Division of Material and Waste Management

DW/mr

cc: Harrison County Health Department