



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

Re: Open Dumping Investigation
Wood County

July 17, 2013

Mr. Louis Bauer
271 Margaret Place
Perrysburg, Ohio 43551

Dear Mr. Bauer:

On July 11, 2013, Ed Pulido and I, representing the Ohio Environmental Protection Agency (Ohio EPA) walked your properties located at 525 and 523 Glenwood Road, Rossford, Ohio and observed several piles of different stored materials.

On July 15, 2013, you stated via a telephone conversation, a contractor had dumped backfill from a water line installation. The material appeared to be sandy soil, which is not a solid waste. You also stated bentonite had been dumped –at the rear portion of the property. We did not see the bentonite material during the July 11, 2013, inspection, but it would be considered a solid waste. Solid waste must be managed in accordance with the regulations listed below.

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, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, 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.

Mr. Louis Bauer
July 17, 2013
Page 2

Open dumping is defined in Ohio Revised Code (ORC) Section 3734.01(l) as (in pertinent part):

... depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consists of scrap tires, as a scrap tire collection, storage monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consists of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code;...

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

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.

ORC Section 3734.03 states in pertinent part:

No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code...

OAC Rule 3745-27-05(C) states:

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.

The owner of the property will be in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C) for open dumping if the solid waste is not properly disposed.

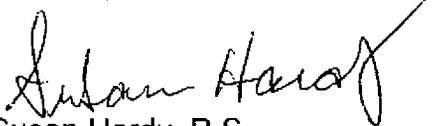
Mr. Louis Bauer
July 17, 2013
Page 3

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

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator of the property from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions feel free to contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R.S.
Environmental Specialist
Division of Material and Waste Management

/lfr

pc: File: DMWM/SW, Wood County, Dump Sites

ec: Mike Reiser, DMWM, NWDO
Ed Pulido, DMWM, NWDO