CLR

Ohio EPA
40 years and moving forward

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

Re: Open Dumping – Case #13-25
2126 Road 8 Leipsic, Ohio
Putnam County
2nd Notice of Violation

August 23, 2013

Louis & Gertrude Knueven
c/o Lloyd Thomas
A216 State Route 109
Leipsic, Ohio 45856

Dear Mr. & Mrs. Knueven and Mr. Thomas:

On August 19, 2013, I, along with Curtis DeLong representing the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) spoke with Mr. Thomas at his home, and conducted a follow-up inspection at your property on 2126 Road 8, Leipsic, Ohio, Putnam County (Site). Mr. Thomas indicated that he was not cleaning up the Site, someone else was, and that he did not receive a letter from Ohio EPA. However, Mr. Thomas did confirm his mailing address as A219 State Route 109.

A notice of violation letter dated August 6, 2013, from Ohio EPA was initially provided in the regular mail to Mr. Thomas's home for placing solid waste and construction and demolition debris on the ground (See enclosed letter). During the follow-up inspection, the two piles observed during the July 18, 2013, investigation were open burned leaving two piles of ashes along with unburned solid waste and construction and demolition debris materials at the Site (See enclosed pictures).

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, ...*

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 placing solid waste and construction and demolition debris on the ground the property owner of this Site remains 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,...*

3. **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.

Please ensure open burning, open dumping and/or illegal disposal of solid waste and construction and demolition debris ceases and will not occur at your property. Failure to comply with OAC Chapter 3745-27 and 3745-400 may result in escalated enforcement actions against you. These violations will continue until all solid waste open dumped and construction and demolition debris illegally disposed at this site is removed and properly disposed at an appropriate facility. All the ashes must be cleaned up and disposed of as solid waste. Please retain and submit receipts for proper disposal.

The Division of Air Pollution Control has been informed of the open burning that occurred at this Site. Some burning is permitted in the State of Ohio. Please find enclosed an open burning pamphlet discussing circumstances in which open burning is allowed.

Open dumping, open burning, and illegal disposal must stop, and correction of the above violations must start immediately. Ensure all solid waste and construction and demolition debris 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.

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.

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

Sincerely,

Kristin Tillison

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

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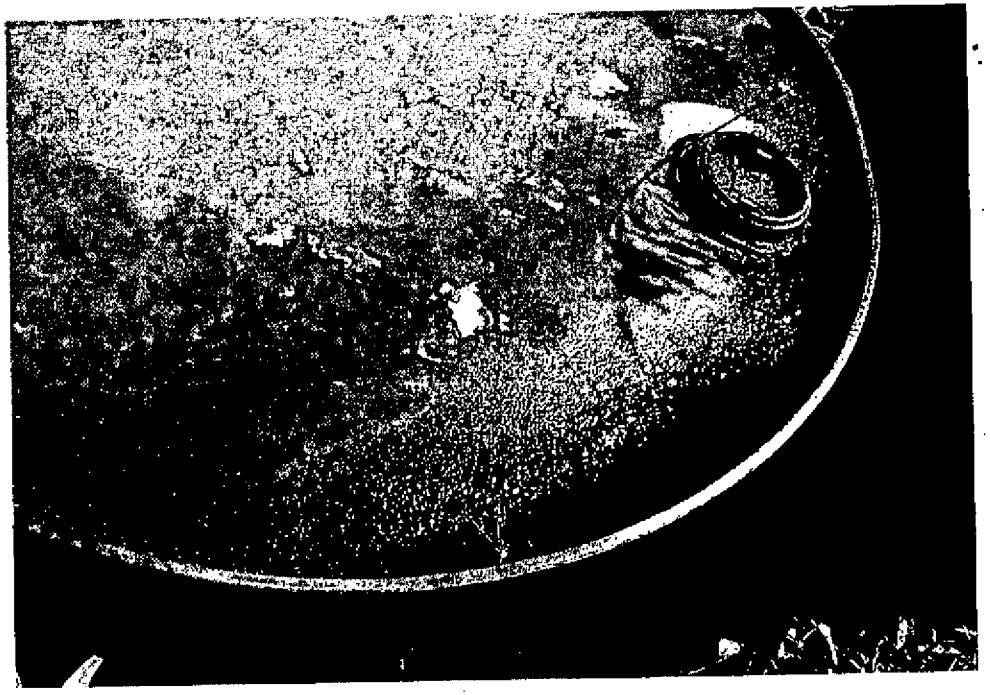
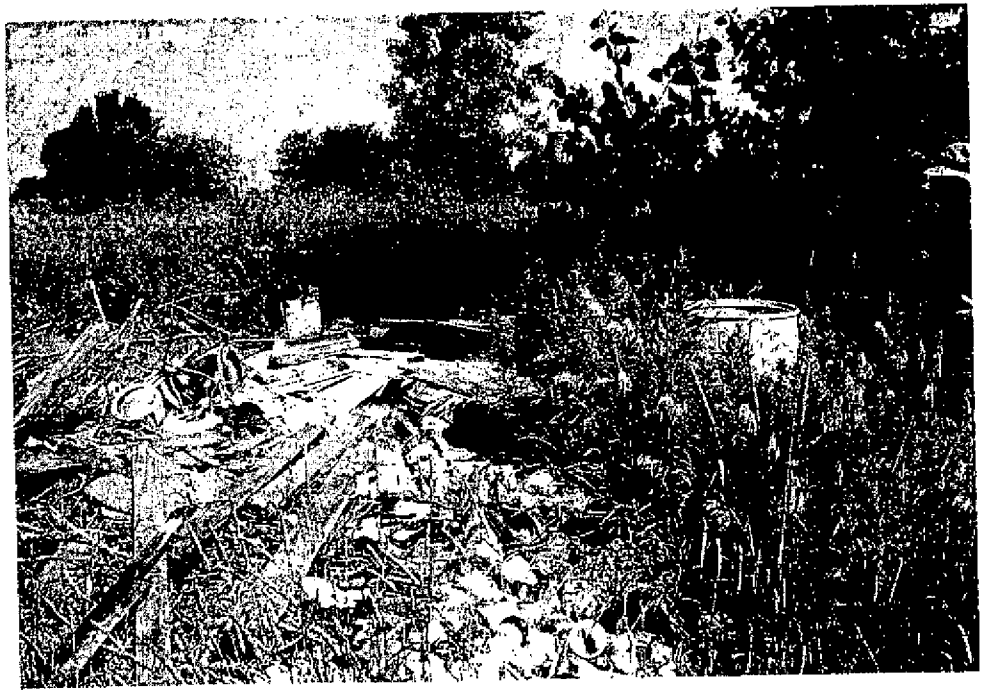
Enclosures

pc: File: DMWM-SW, Putnam County, Dump Sites
Brad Price, Putnam County Health Department (w/o enclosures)

ec: Jeremy Scoles, Ohio EPA
Tom Cikotte, Ohio EPA





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John R. Kasich, Governor
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Re: Open Dumping – Case #13-25
2126 Road 8 Leipsic, OH
Putnam County
Notice of Violation

August 6, 2013

Louis & Gertrude Knueven
c/o Lloyd Thomas
A216 State Route 109
Leipsic, Ohio 45856

Dear Mr. & Mrs. Knueven:

On July 11, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Northwest District Office (NWDO) received a complaint regarding the property that is owned by you at 2126 RD 8, Leipsic, Ohio, Putnam County (Site). The Site is identified as Parcel # 18-007181.0000 by the Putnam County Auditor. The complainant alleged that the Site has become a dump site, and there are many barrels on the Site.

On July 18, 2013, I, along with Amber Hicks representing Ohio EPA visited the Site to investigate the complaint. Cory Karcher, a tenant, was present at the time of the inspection. After the inspection an attempt to contact Mr. Lloyd Thomas was made but his property gate at A216 SR 109 Leipsic, OH was padlocked, and the tenants indicated he does not have a phone.

During the investigation I observed a large pile of solid waste, along with construction and demolition debris mainly in the western portion of the property extending north around a small tree line. Also a small pile of shingles, a couch, and some barrels were observed just north of the lane and west of the barn (See enclosed pictures). Please contact Amber Hicks at 419-373-3082 regarding the barrels on the Site.

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 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.

For placing C&DD on the ground the property owner of this Site is in violation of the following rule:

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.

This violation 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 N. Dunbridge Road Bowling Green, Ohio 43402) or electronically to 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.

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

Sincerely,

Kristin Tillison

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

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Enclosure

pc: File: DMWM-SW, Putnam County, Dump Sites
Brad Price, Putnam County Health Department

ec: Jeremy Scoles, Ohio EPA
Amber Hicks, Ohio EPA