



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

September 16, 2013

RE: **GUERNSEY COUNTY  
SITE – GENERAL**

Donna Metzler  
Laurie Smith  
C/O Laurie Smith 71381  
Fairpoint-Shepardstown Road  
St. Clairsville, Ohio 43950

Dear Ms. Metzler and Ms. Smith:

Please be advised that the Southeast District Office of the Ohio Environmental Protection Agency (EPA) received a complaint that open dumping of solid waste and scrap tires may be occurring on property owned by you. The illegal dump site was alleged to be located at 26370 Oxford Road, Fairview, Ohio.

In response to the complaint, I conducted an initial investigation on August 8, 2013. During my investigation, I observed the open dumping of solid waste in trailers and on the ground as well as several hundred scrap tires on your property.

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). Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

(4) "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.

(b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed

under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.

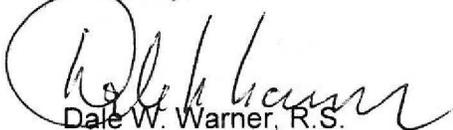
(c) The deposition of solid wastes that consist of scrap tires in buildings, trailers, or other vehicles at locations other than a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code) for longer than fourteen days. The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to the local health department and Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and that the repairs are being completed in a timely manner.

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.

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 provide receipts and pictures to my attention at the Southeast District Office to verify that a cleanup has occurred. A re-inspection will occur in the near future. Please respond in writing within 15 days outlining the steps you will take to resolve these aforementioned violations of Ohio law.

Should you like to set up an onsite meeting or if you have any questions please feel free to contact me at 740-380-5435.

Sincerely,



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

DW/mr