

EB



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

September 3, 2013

RE: HOCKING COUNTY  
SITE - GEN

Tommy Fisher  
18871 Griffith Road  
Logan, Ohio 43138

Dear Mr. Fisher:

On August 7, 2013, Richard Stewart of the Division of Materials and Waste Management and I visited your property at the above address in response to a complaint received in this office regarding open dumping of solid waste. At the time of our visit we met with you to discuss the situation. Following is a summary of our discussions and my findings.

During our visit you indicated that you had taken a civil court action to have a family evicted from the property at this address. Although the family vacated the premises they apparently left behind furniture and other miscellaneous solid waste in the dwelling. Based on our discussion, after the premises was vacated you admitted to removing the waste from the dwelling and dumping it on the right-of-way of Washington Township Road #8. You stated that you were told by the Hocking County Sheriff's Office that this was acceptable based on the outcome of the civil lawsuit. I have spoken to Deputy Mike Markham of the Hocking County Sheriff's Office and he indicated that he told you the waste could be removed from the home as long as it was kept on the property or properly disposed of at a licensed facility.

Please be advised that open dumping of solid waste and/or illegal disposal of construction and demolition debris is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). 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.

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

Based upon my investigation and findings, you are in violation of the aforementioned laws and rules. As such, you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Please immediately cease all open dumping of solid waste and illegal disposal of construction and demolition debris. All solid waste and construction & demolition debris at the site must be collected and properly disposed of in order to comply with the above mentioned ORC and OAC laws and rules.

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, including written correspondence and/or photographs, should be submitted to this office.

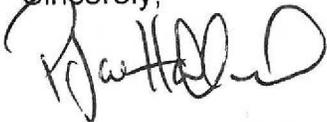
Violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder, may result in a civil penalty of up to \$10,000 per day for each violation. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (740) 380-5439 or by e-mail at [joe.holland@epa.state.oh.us](mailto:joe.holland@epa.state.oh.us).

Receipts must be retained showing all waste was properly disposed of at a licensed facility.

Sincerely,



P. Joe Holland, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management  
Southeast District Office

PJH/mr

cc: Hocking County Sheriff's Office