



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center  
122 S. Front Street  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
[www.epa.state.oh.us](http://www.epa.state.oh.us)

P.O. Box 1049  
Columbus, Ohio 43216-1049

Mr. Robert Yost  
P.O. Box 2249  
Mansfield, Ohio 44905

Dear Mr. Yost:

The purpose of this letter is to respond to the verified complaint filed by you and received by the Agency on December 24, 2002, in which you alleged a violation of Ohio Revised Code § 6111.04 at Mr. Frank Lamp's property. The Ohio EPA Northwest District Office ("NWDO") conducted a timely investigation of this matter and has been monitoring the situation closely since the original investigation.

Your verified complaint alleges, in pertinent part, that you witnessed the burial of motor fuel containers, automobile batteries, refrigerator compressors and other rubbish at Mr. Lamp's property. Further, you mention that there is a pile of used tires and two unlicensed vehicles that have remained on the property for over two years as well as a dismantled clothes dryer part. In subsequent conversations with representatives of Ohio EPA, however, you indicated that you did not actually see Mr. or Mrs. Lamp dispose of the materials you mentioned, but that you believed that they had done so.

As stated above, in your complaint you allege a violation of Ohio Revised Code § 6111.04 at Mr. Lamp's property. A strict interpretation of this statute focuses on the prohibition of placing wastes in locations where they cause pollution to waters of the State of Ohio. In addition to potential violations of Ohio Revised Code 6111.04, NWDO staff investigated your complaint to determine if open dumping of solid waste occurred in violation of Ohio Revised Code § 3734.03.

NWDO staff commenced its site investigation of Mr. Lamp's property on February 18, 2003, and conducted a follow-up inspection on March 12, 2003. While there, NWDO identified four used tires, a blue van, a planter turned upside-down and a pile of dirt left as a result of the installation of a septic system. Further, NWDO staff learned that the licensed excavator, Bond Excavating, who installed the septic system dug a hole on the property so that a tree stump, a pile of brush and some stones could be buried. NWDO staff contacted Bond Excavating separately, and verified that what Mr. Lamp said was consistent with what Mr. Rick Bond said he placed into the hole. Lastly, NWDO staff witnessed no evidence that the materials mentioned by you in your verified complaint were contributing to pollution of waters of the state.

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Christopher Jones, Director

Director's Letter  
Re: Response to Mr. Yost's Verified Complaint  
Page 2

In light of this investigation, it appears that no violation of Ohio EPA's rules and regulations has occurred, is occurring or will occur. Mr. Lamp is allowed to have four used tires on his property, unlicensed vehicles are not considered to be items within Ohio EPA's jurisdiction and the dismantled clothes dryer apparently is an upside-down planter being used for decorative purposes. In addition, Ohio Administrative Code Rule 3745-27-03 identifies an exemption that applies only to solid wastes being generated on a premises of a single-family residence, and being disposed of on the premises where generated; thus, because the solid wastes were allegedly generated on the premises, the tree stump and other debris (which may or may not have been solid waste) can be buried on the property (Note: Local zoning regulations may apply). Consequently, your verified complaint, SW #03-001, is hereby dismissed.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's action. A copy of the appeal must be served upon the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Review Appeals Commission, 309 South 4<sup>th</sup> Street, Room 222, Columbus, OH 43215.

Sincerely,

Christopher Jones  
Director

cc: Carl Mussenden, DSIWM, CO  
Ed Gortner, DSIWM, CO  
Mary Ann Miller, DSIWM, NWDO  
Ellen Gerber, DSIWM, NWDO  
Jeff Hurdley, Legal  
Richland County Health Department