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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO EPA
DIV OF SOLID & INFECTIOUS WASTE MGMT.

ENTERED DIRECTOR'S JOURNAL

In the Matter Of:

Donald L. Lott and
Tamitha S. Lott
200 Greenhill Road
Marietta, Ohio 45750

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Director's Final Findings
and Orders

Respondents

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: [Signature] Date: 7-7-08

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Donald L. Lott and Tamitha S. Lott ("Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondents and their heirs and successors in interest liable under Ohio law. No change in ownership of the Property (as hereinafter defined) shall in any way alter Respondents' responsibilities under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondents are the owners of approximately 2.17 acres of land located at 200 Greenhill Road, Marietta, Washington County, Ohio (the "Property"). The Property is identified in the records of the Washington County Recorder by general warranty deed recorded on February 2, 1998, in volume 127, pages 579-580.

2. Respondents are each a "person" as that term is defined in ORC Section 3734.01(G) and in Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).
3. An estimated forty-eight cubic yards of solid waste and fifty scrap tires are illegally disposed at the Property.
4. The Property is neither licensed nor permitted as a solid waste disposal facility in accordance with ORC Chapter 3734. and OAC Chapters 3745-27 and 3745-37.
5. The Washington County Health Department is not on the approved list maintained pursuant to OAC Rule 3745-37-08. Therefore, Ohio EPA administers and enforces the solid waste statutes in Washington County.
6. ORC Section 3734.03 states "[n]o person shall dispose of solid wastes 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[.]
7. OAC Rule 3745-27-01(O)(4)(a) defines "open dumping" as... "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."
8. OAC Rule 3745-27-01(O)(2) defines "open burning" as... "the burning of solid wastes in an open area or burning of solid wastes in a type of chamber or vessel that is not approved or authorized in rules adopted by the director under section 3734.02 of the Revised Code[.]"
9. In violation of ORC Sections 3734.03 and 3734.05(A), and OAC Rule 3745-27-05(C), Respondents have created or allowed an unpermitted, unlicensed "solid waste disposal facility" and "open dump", as those terms are defined OAC Rules 3745-27-01(S)(25) and (O)(3), respectively.
10. On April 7, 2006, Ohio EPA's Division of Solid and Infectious Waste, Southeast District Office ("DSIWM-SEDO"), received a complaint of open dumping at 200 Greenhill Road, Washington County.
11. On April 12, 2006, Ohio EPA conducted an inspection of the Property, and observed solid waste open dumped on the Property, in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C). Ohio EPA documented this inspection in a notice of violation ("NOV") letter to Respondent Donald Lott dated April 20, 2006.

12. On or about May 16, 2006, Ohio EPA met with Respondent Donald Lott to discuss resolution of the open dumping violations. Respondent stated he was disabled and would have to obtain help to remove and properly dispose of the solid waste open dumped on the Property.
13. On January 25, 2007, Ohio EPA re-inspected the Property and observed that Respondents had not removed any of the solid waste open dumped on the Property, in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C). Ohio EPA documented this inspection in an NOV letter to Respondent Donald Lott dated January 29, 2007.
14. On March 1, 2007, DSIWM-SEDO received additional complaints filed with the Washington County Health Department, and on March 6, 2007, DSIWM-SEDO resent the January 29, 2007 NOV letter to Respondent Donald Lott.
15. On March 23, 2007, Ohio EPA conducted another inspection of the Property. Ohio EPA observed evidence of open burning of solid waste, which is a violation of ORC Section 3734.03, and open dumping of solid waste, which is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C). Ohio EPA documented this inspection in an NOV letter to Respondent Donald Lott dated March 30, 2007.
16. On May 21, 2007, DSIWM-SEDO sent an NOV letter to Respondent Donald Lott via certified mail. The NOV was returned to Ohio EPA unclaimed.
17. On September 17, 2007 and January 29, 2008, Ohio EPA conducted additional inspections of the Property and observed that Respondents had not removed any of the solid waste open dumped on the Property, in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C). Ohio EPA documented these inspections in NOV letters to Respondents dated September 19, 2007 and February 7, 2008.

V. ORDERS

Respondents shall achieve compliance with ORC Chapter 3734. and the rules promulgated thereunder according to the following compliance schedule:

1. Respondents shall immediately cease open burning and open dumping on the Property.
2. Within one hundred twenty (120) days after the effective date of these Orders, Respondents shall complete the removal, transportation, and disposal of all solid waste unlawfully disposed at the Property. Respondents shall dispose of all solid waste at a licensed and permitted solid waste disposal facility.

3. Within fourteen (14) days after completion of Order No. 2, above, Respondents shall obtain receipts from the solid waste disposal facility indicating weight or volume of solid waste disposed and shall forward such documentation to Ohio EPA.
4. Respondents shall pay Ohio EPA \$2,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental remediation fund established pursuant to ORC Section 3734.281. Respondents shall pay Ohio EPA in accordance with the payment schedule in Order No. 5, below.
5. Within thirty (30) days after the effective date of these Orders, Respondents shall tender to Ohio EPA an initial payment in the amount of \$70.00. Every fourteen days thereafter, Respondents shall submit a payment in the amount of \$70.00 to Ohio EPA, until such time as thirty-five \$70.00 payments have been submitted to Ohio EPA. Not later than fourteen days after Respondents have submitted the thirty-fifth \$70.00 payment to Ohio EPA, Respondents shall submit a final payment in the amount of \$50.00. Payments shall be made by official checks made payable to "Treasurer, State of Ohio" for the stated amount. The official checks shall be submitted to Ohio EPA, Lazarus Government Center, Office of Fiscal Administration, PO Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondents and the Property. A copy of the checks shall be sent to Ohio EPA, Lazarus Government Center, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, PO Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and the Chief of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation from Respondents: "We certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by Respondents.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim,

cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, Respondents' Property.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents or the Property.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
Division of Solid and Infectious Waste Management
2915 Front Street
Logan, OH 43138
Attn: DSIWM Supervisor

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondents each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondents consent to the issuance of these Orders and agree to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondents' liability for the violations specifically cited herein.

Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive any and all rights Respondents may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondents agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondents retain the right to intervene and participate in such appeal. In such an event, Respondents shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XIII. EFFECTIVE DATE

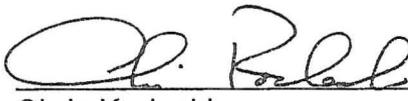
The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

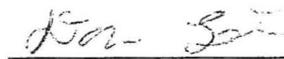
Ohio Environmental Protection Agency


Chris Korleski
Director

7/7/08

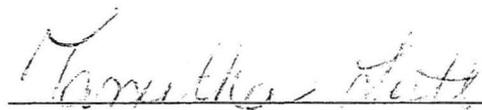
IT IS SO AGREED:

Donald L. Lott


Signature

6-23-08
Date

Tamitha S. Lott


Signature

6-23-08
Date