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Quick reference guide

OPEN DUMPING, OPEN BURNING

The information presented here is intended as a quick reference guide for law enforcement officers throughout Ohio who are looking to determine whether an environmental situation qualifies under Ohio law as open dumping or open burning of solid wastes. Beyond the primer on Ohio law are frequently asked questions that might prove helpful.



Ohio Revised Code 3734.03 — Open burning or open dumping

No person shall dispose of solid wastes by open burning or open dumping.

If done recklessly, the crime is an unclassified felony.

Ohio Revised Code 3734.99 — Penalty

Whoever recklessly open-burns or open-dumps solid waste is guilty of a felony and shall be fined at least \$10,000 but not more than \$25,000, or imprisoned for at least two years but not more than four years — or both.

Ohio Revised Code 3734.01 — Definitions

- “Open dumping” is the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not a licensed solid waste facility or licensed scrap tire facility.
- “Open burning” is the burning of solid wastes in an open area or in a type of chamber or vessel that is not approved or authorized by the Director of Ohio EPA in the rules.
- “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, emitting or placing of any solid wastes into or on any land or

ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment

- “Solid wastes” are “unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations.”
 - » INCLUDES GARBAGE, SCRAP TIRES, COMBUSTIBLE AND NONCOMBUSTIBLE MATERIAL, STREET DIRT AND DEBRIS
 - » Does NOT INCLUDE infectious wastes, hazardous wastes, earth or material from construction, mining or demolition operations, or other waste materials of the type that normally would be included in demolition debris, spent nontoxic foundry sand, slag, and nontoxic and nonhazardous structural products made from shale and clay

Frequently asked questions (FAQ)

What is the difference between littering and open dumping of solid waste?

Open dumping felony charges typically involve a larger volume of garbage than misdemeanor littering charges. And unlike littering, open dumping often includes a financial motive or benefit. For example, when someone throws fast food wrappers out their window or on the ground, you might want to file littering charges. On the other hand, when someone recklessly dumps trash, garbage, solid wastes, or nonhazardous industrial wastes directly onto the ground or into surface water, that person can be charged with open dumping solid waste.

Can I charge someone with open dumping if they are stacking up trash bags outside their home?

Charges for open dumping of solid wastes do not apply to situations in which individuals are temporarily storing solid wastes before their collection for disposal. There might be applicable or zoning-code violations that apply to such situations.

What do I do if I don't know if a waste is hazardous?

You can check the container for hazardous labels (flammable, corrosive, reactive or toxic). If you don't know the contents of a drum, you should not open the container. If you suspect that a waste is hazardous, you should immediately contact the Ohio EPA and/or the U.S. EPA.

Can I get help with open-dumping cases or other environmental crimes?

Contact the Ohio Bureau of Criminal Investigation's Environmental Enforcement Unit at 1-800-348-3248 or email StopEnvironmentalCrimes@OhioAGO.gov.

Does BCI's Environmental Enforcement Unit have resources to combat open dumping?

Yes. BCI offers investigative assistance and, in certain circumstances, electronic surveillance equipment.

Who can prosecute these cases?

A county prosecutor or, upon request, the Ohio Attorney General's Environmental Criminal Prosecution Unit. To request prosecutorial assistance, email StopEnvironmentalCrimes@OhioAGO.gov.

Who do we call for environmental incidents that aren't crimes?

You can report a spill to the Ohio EPA's spill hotline at 1-800-282-9378. You can submit an environmental complaint at epa.ohio.gov/stay-compliant/get-help/submit-a-complaint. You can also report an emergency chemical spill to the U.S. EPA at 1-800-424-8802.

