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State of Ohio Environmental Protection Agency

Southwest District Office

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Dayton, Ohio 45402

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

CERTIFIED MAIL

April 23, 2007

Ms. Betty Keith, Trustee
Jefferson Trust
P.O. Box 4626
Maineville, OH 45039

Mr. David Huebner, Trustee
Jefferson Trust
P. O. Box 4626
Maineville, OH 45039

Mr. James Wright, Trustee
Jefferson Trust
P.O. Box 4626
Maineville, OH 45039

Dr. Harjinder Singh
Agent for Jefferson Trust
11873 Nathanshill Lane
Cincinnati, OH 45249

**RE: 2340 Lebanon Road, Warren County
Notice of Violation for open dumping, storage and handling of scrap tires**

Dear Ms. Keith, Mr. Huebner, Mr. Wright and Dr. Singh:

On March 21, 2007, Ms. Dana Storts from the Warren County Solid Waste Management District, Mr. Larry Wisner from the Warren County Combined Health District, Mr. Harry Smail and I from the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management conducted a scrap tire inspection at the aforementioned property. This was a follow-up inspection to determine compliance with Ohio's Scrap Tire regulations and to evaluate progress made in the clean-up of scrap tires still remaining on the property as ordered in the Board of Health Orders issued May 16, 2006.

During our visit I performed a site inspection for compliance with Ohio's Scrap Tire regulations. The weather was overcast with a temperature of approximately 50^o F. The lack of vegetation at the site made observation of the scrap tires currently present at the site easier and allowed for a more thorough and complete inspection. At the time of the site inspection on March 21, 2007, the following violations were noted:

1. Scrap tires were observed either on the ground and/or partially buried throughout the site, including the hillside and wooded areas. The presence of these scrap tires on the property constitutes open dumping. Open dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means 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 licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code..."

Open dumping is also defined in Ohio Administrative Code (OAC) Rule 3745-27-01(O)(4)(b), which states in part:

"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.

Therefore, the presence of scrap tires either on the ground and/or partially buried is a **violation** of ORC Section 3734.03, which states in part:

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

This is also a **violation** of OAC Rule 3745-27-05(C), which states in part:

"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".

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. Specifically, OAC Rule 3745-27-60(B) states the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety,

or fire hazard unless the tires are stored in accordance with OAC Rule 3745-27-60.

2. The partial burial of scrap tires with soil, leaves, brush, and tree debris on the property is a **violation** of OAC Rule 3745-27-60(B)(5) which states in part:

"Scrap tires shall not be covered with soil."

3. Combustible material; including weeds, brush, leaves, and tree debris, was present in and around the scrap tires. This is a **violation** of OAC Rule 3745-27-60(B)(6)(e) which states in part:

"Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves."

This is also a **violation** of OAC Rule 3745-27-60(B)(f) which states in part:

"Sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas."

4. Several scrap tires on the property were observed to have water collecting in them. This is a **violation** of OAC Rule 3745-27-60(B)(8), which states in part:

"One or more of the following shall be done to control mosquitoes at the premises...remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers...tires shall be kept free of water at all times..."

Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area due to increased fire, health and safety threats.

This letter serves to inform you that the scrap tires present on the property have been deemed a nuisance, a hazard to public health or safety, and/or fire hazard and must be disposed of at a licensed scrap tire disposal facility. Transportation of scrap tires in amounts greater than ten (10) scrap tires must be by an Ohio EPA registered scrap tire transporter.

Ms. Keith, Mr. Huebner, Mr. Wright and Dr. Singh
Notice of Violation, Warren County
Page 4 of 4

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy to the aforementioned violations.

Failure to comply with Ohio's scrap tire regulations may result in escalated enforcement.

If you have any questions, please do not hesitate to contact me at the above letterhead address or by telephone at (937) 285-6072.

Sincerely,



Holly H. Hillyer
Environmental Specialist
Division of Solid and Infectious Waste Management

cc: Larry Wiser, Warren County Combined Health District
Matthew Boyer, DSIWM

HHH/plh

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



DR HARJINDER SINGH
AGENT FOR JEFFERSON TRUST
11873 NATHANSHILL LANE
CINCINNATI OH 45249

2. Article Number

(Transfer from service label)

7006 2760 0003 0780 8677

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *G. K. Smith* Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type

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4. Restricted Delivery? (Extra Fee)

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25 APR 2007 PM 1:17

• Sender: Please print your name, address, and ZIP code in this box •



OHIO EPA-SWDO
HOLLY HILLYER
401 EAST FIFTH STREET
DAYTON OH 45402 2911

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1. Article Addressed to:



MR DAVID HUEBNER
 TRUSTEE
 JEFFERSON TRUST
 PO BOX 4626
 MAINEVILLE OH 45039

2. Article Number

(Transfer from service label)

7006 2760 0003 0780 8653

COMPLETE THIS SECTION ON DELIVERY

A. Signature

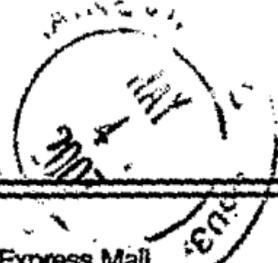
X *G. Kewer* Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes No

If YES, enter delivery address below:



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1. Article Addressed to:



MR JAMES WRIGHT
TRUSTEE
JEFFERSON TRUST
PO BOX 4626
MAINEVILLE OH 45039

 2. Article Number
(Transfer from service label)

7006 2760 0003 0780 8660

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *G. Penner* Agent Addressee

B. Received by (Printed Name)

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 D. Is delivery address different from item 1? Yes
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 MS BETTY KEITH
 TRUSTEE
 JEFFERSON TRUST
 PO BOX 4626
 MAINEVILLE OH 45039

 2. Article Number
 (Transfer from service label)

7007 0220 0001 2491 5017

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *G. Cough* Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

 No

3. Service Type

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4. Restricted Delivery? (Extra Fee)

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CINCINNATI OH 452

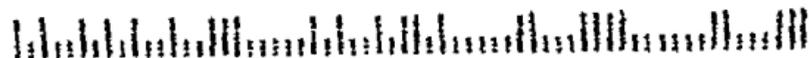
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OHIO EPA-SWDO
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401 EAST FIFTH STREET
DAYTON OH 45402 2911



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Total Postage & Fees	\$

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D. Huebner Jefferson Trust
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 or PO Box No. PO Box 4626
 City, State, ZIP+4
 Maineville OH 45039

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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
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IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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4/23/07
Postmark
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Street, Apt. No., or PO Box No. PO Box 4626
City, State, ZIP+4: Maineville OH 45039

See Reverse for Instructions

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Return Receipt Fee (Endorsement Required)	
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Total Postage & Fees	\$

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A Singh Agent of Jefferson Trust
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 or PO Box No. 11873 Wetherhill Lane
 City, State, ZIP+4
 Cincinnati OH 45249

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Postage	\$
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

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Maineville OH 45039

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