

Warren Co
Branie Airport



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

CERTIFIED MAIL

June 6, 2007

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

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

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

Dr. Harjinder Singh
Agent for Jefferson Trust
11873 Nathanshill Lane
Cincinnati, Ohio 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 May 31, 2007, Mr. Larry Wiser from the Warren County Combined Health District 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. Also, on May 4, 2007, I received a faxed correspondence from Dr. Hari Singh, Manager for Jefferson Trust, stating that "efforts would start in 2-3 weeks".

During our visit I performed a site inspection for compliance with Ohio's Scrap Tire regulations. The weather was sunny with a temperature of approximately 85° F. The presence of dense vegetation and steep terrain at the site made observation of the all scrap tires currently present at the site much more difficult and did not allow for a complete and thorough inspection. I have enclosed photographs taken at the time of the inspection. At the time of the site inspection on May 31, 2007, the following violations were noted:

1. Scrap tires were observed either on the ground and/or partially buried at 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."

This letter serves to inform you that, pursuant to OAC Rule 3745-27-60(B), the scrap tires present on the property have been deemed a nuisance, a hazard to public health or safety, and/or a 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.

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.

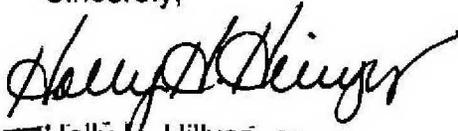
Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy to the aforementioned violations.

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

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

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,

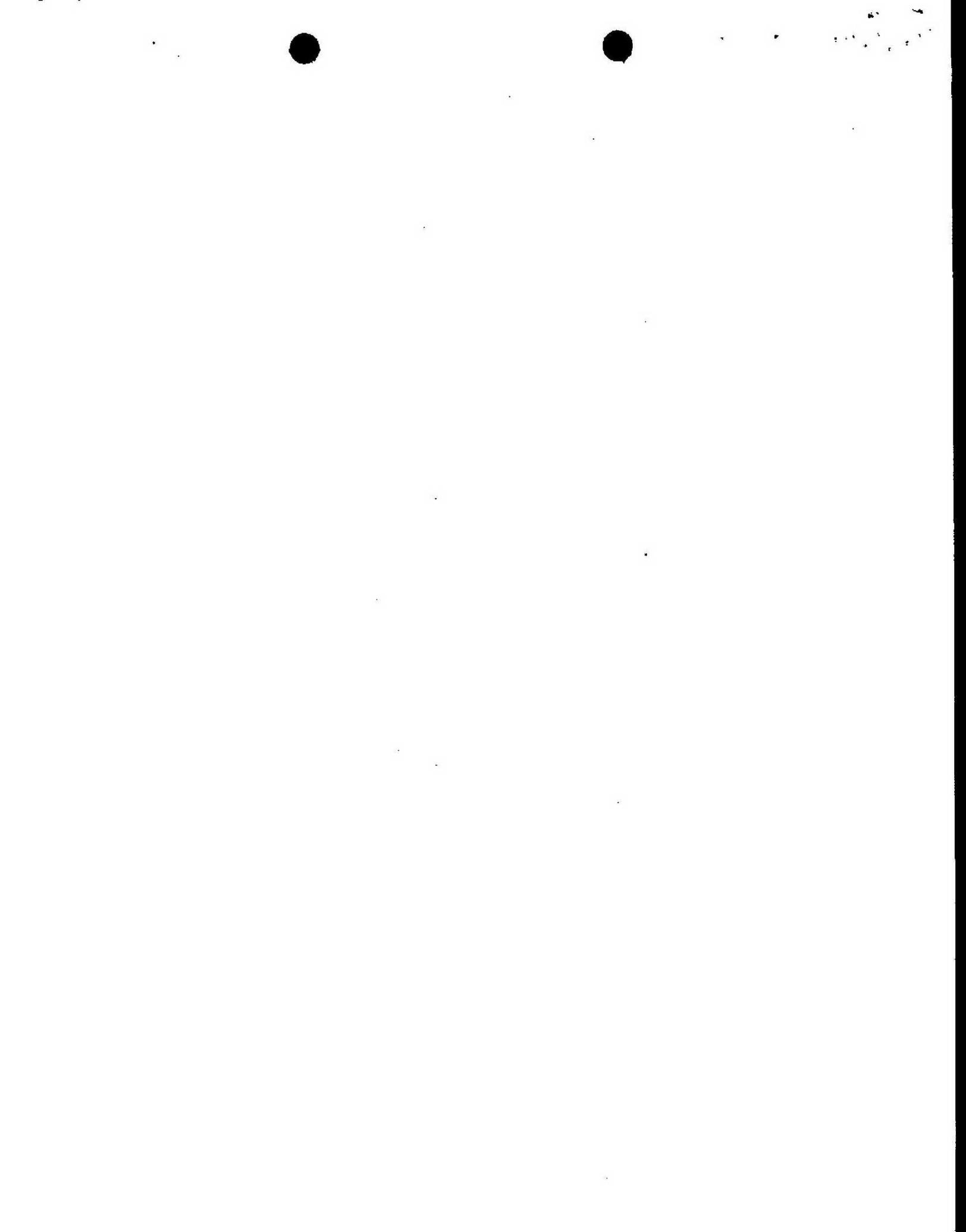


Holly M. Hillyer
Environmental Specialist
Division of Solid and Infectious Waste Management

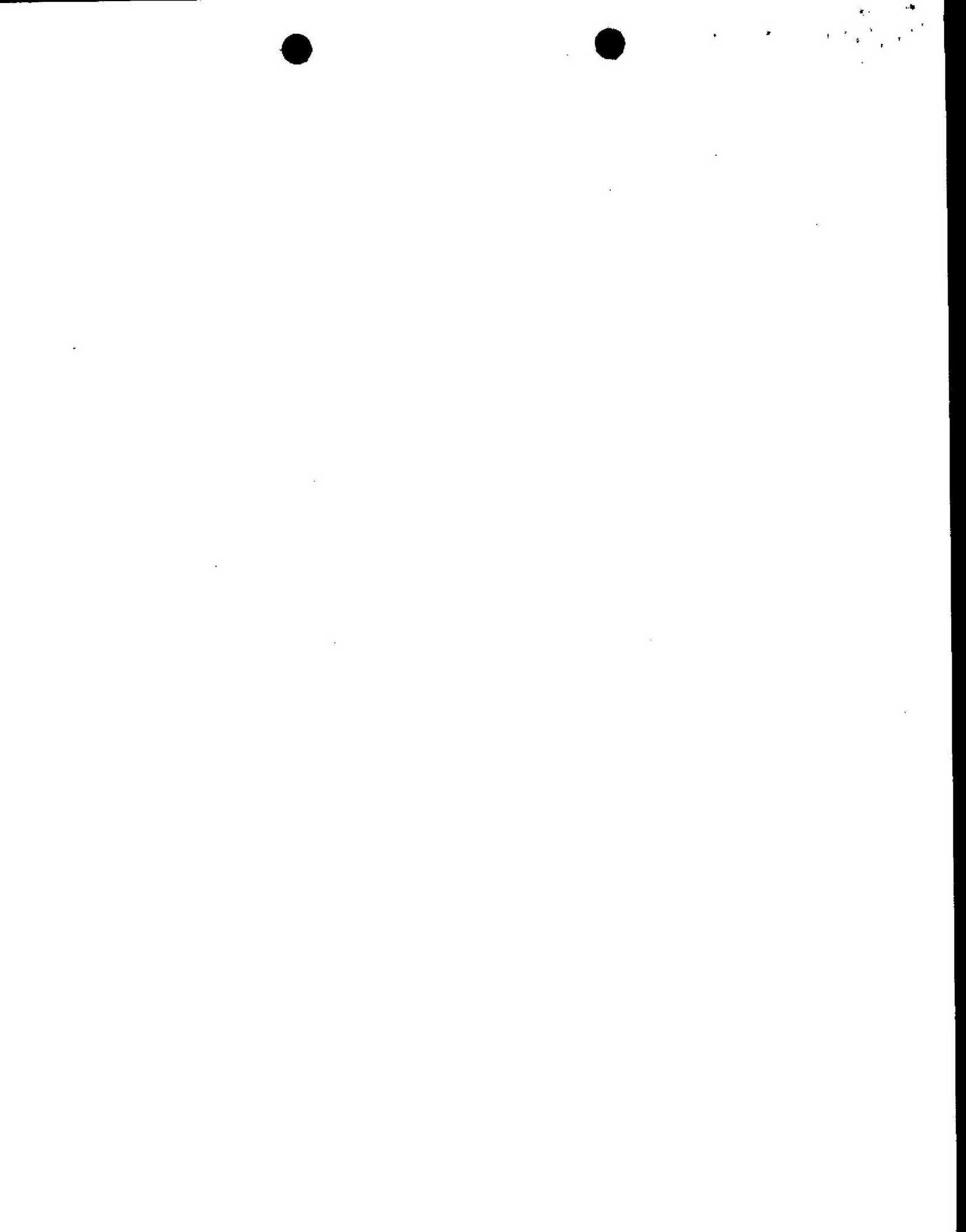
cc: Larry Wiser, Warren County Combined Health District
Matthew Boyer, DSIWM

HHH/rif





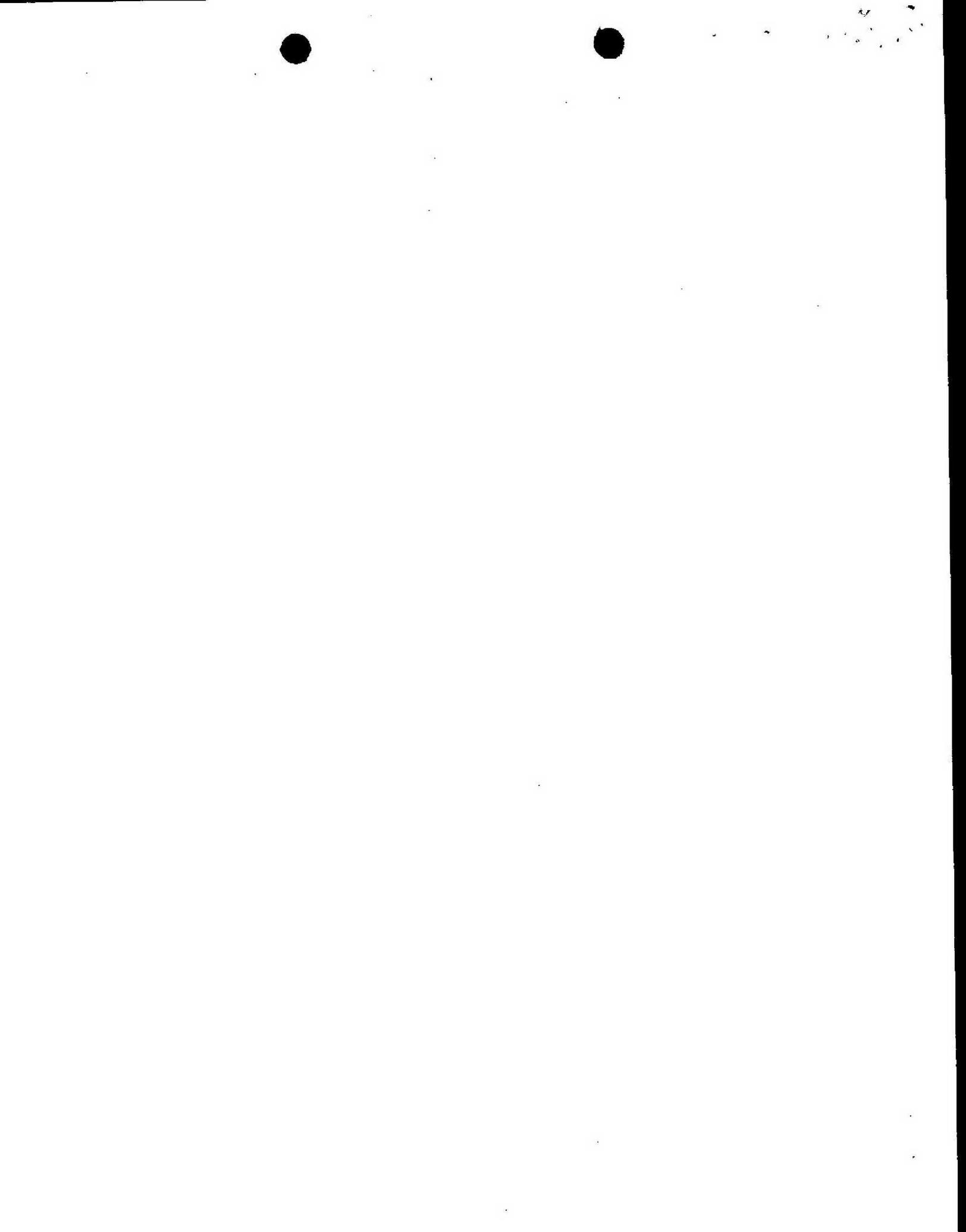










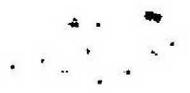




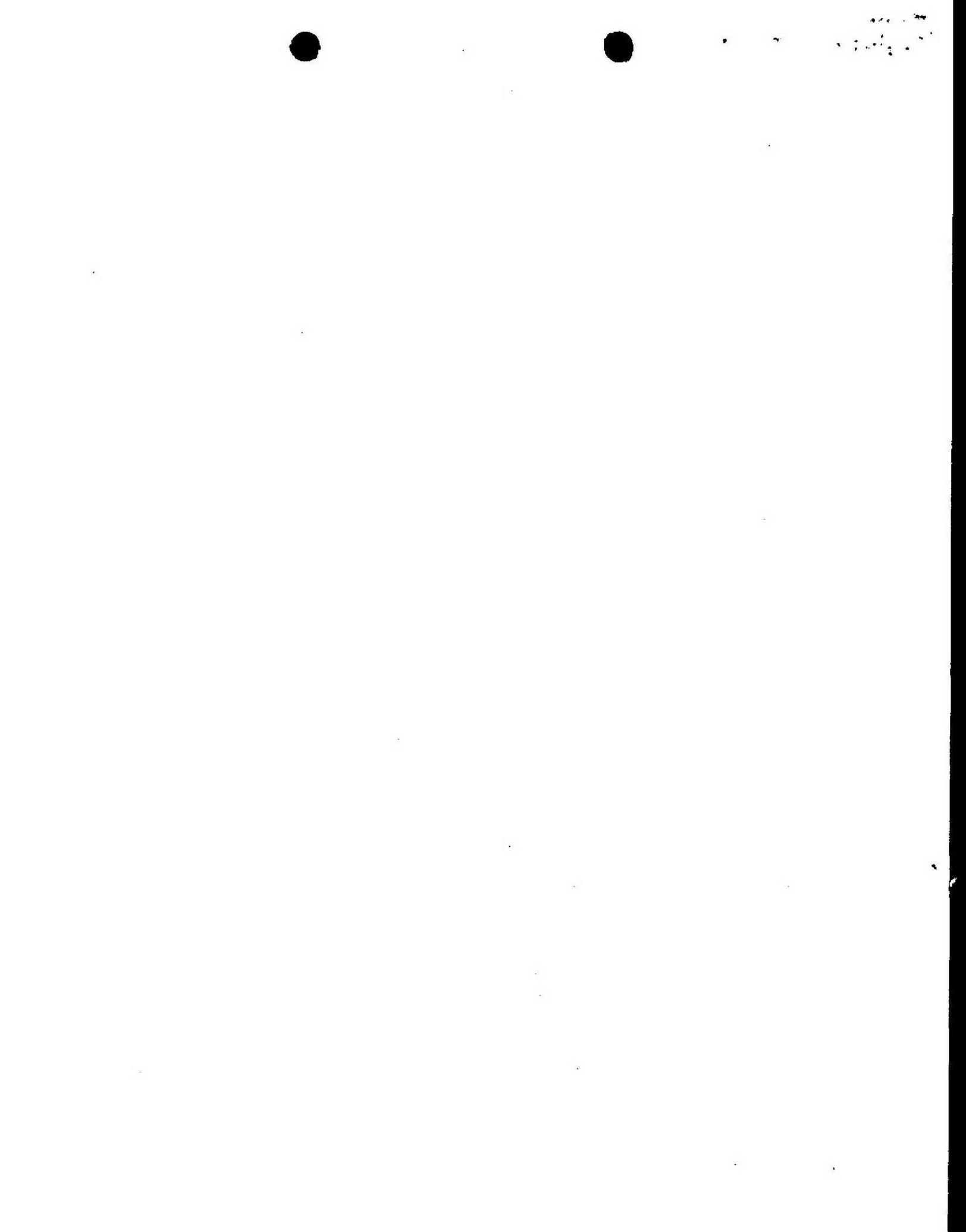


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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS BETTY KEITH, TRUSTEE
 JEFFERSON TRUST
 P.O BOX 4626
 MAINEVILLE OH 45039

2. Article Number
(Transfer from service label)

7004 1160 0000 6169 5149

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

G. K. Singh

 Agent Addressee

B. Received by (Printed Name)

Gurinder K Singh

C. Date of Delivery

D. Is delivery address different from item 1?

 Yes

If YES, enter delivery address below:

 No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE

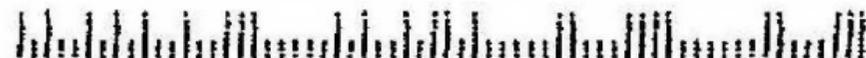
CINCINNATI OH 452

15 JUN 2007 PM 7 7

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OHIO EPA/ *H. Hillyer*
SOUTHWEST DISTRICT OFFICE
401 E FIFTH ST
DAYTON OH 45402-2911



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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)

7004 1160 0000 6169 5125

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *G. K. Brough* Agent Addressee

B. Received by (Printed Name)

G. K. Brough

C. Date of Delivery

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

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

JUN 15

CINCINNATI OH 452
UNITED STATES POSTAL SERVICE

15 JUN 2007 PM 4 T

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USPS
Permit No. C-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OHIO EPA/ *H. Hillyer*
SOUTHWEST DISTRICT OFFICE
401 E FIFTH ST
DAYTON OH 45402-2911

12911
|||

SENDER: COMPLETE THIS SECTION

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- 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:

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

 2. Article Number
(Transfer from service label)

7004 1160 0000 6169 5132

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *G. B. Smith*

-
- Agent
-
-
- Addressee

B. Received by (Printed Name)

Gurinder K Singh

C. Date of Delivery

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

JUN 15 10:25 AM '07

3. Service Type

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- Certified Mail
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- Express Mail
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- Registered
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- Return Receipt for Merchandise
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- Insured Mail
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- G.O.D.

4. Restricted Delivery? (Extra Fee) Yes

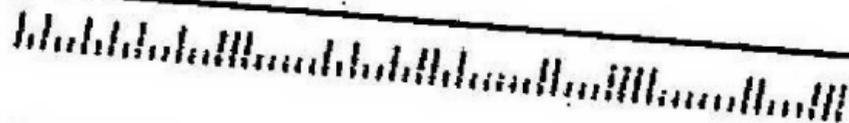
UNITED STATES POSTAL SERVICE
CINCINNATI OH 452

15 JUN 2007 PM 2 T

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USPS
Permit No. 640

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OHIO EPA *H. Hillyer*
SOUTHWEST DISTRICT OFFICE
401 E FIFTH ST
DAYTON OH 45402-2911



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- 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 LN
 CINCINNATI OH 45249

2. Article
(Transit)**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *G. K. Singh* Agent Addressee

B. Received by (Printed Name)

Gurinder K Singh

C. Date of Delivery

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

JUN 13 2007

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE



First-Class Mail
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USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

OHIO EPA/H. Hillyer
SOUTHWEST DISTRICT OFFICE
401 E FIFTH ST
DAYTON OH 45402-2911

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OFFICIAL USE

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

Postmark
Here

4-7-07

Sent To Beth Klein

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City, State, ZIP+4

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- 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".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

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OFFICIAL USE

Postage	\$	Postmark Here 6-7-07
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To James Wright

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

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OFFICIAL USE

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

Postmark
Here

6-7-07

Sent To

David Huebner

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

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OFFICIAL USE

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

Postmark
Here

6-7-07

Sent To Dr. Harginder Singh
 Street, Apt. No.;
 or PO Box No.
 City, State, ZIP+4

See Reverse for Instructions

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