Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 30, 2011

Hines Builders Inc.
P.O. Box 414
Troy, Ohio 45373

RE: Notice of Violation - Open Dumping
Property located at 1527 Lytle Road, Miami County

Dear Mr. Roger Mumpower:

On June 23, 2011, Cathy Altman and I, of the Ohio EPA conducted a follow-up site visit at the above referenced property. During the inspection we met with Mr. Raskay and you. The site visit was to determine if the debris (solid waste), scrap tires and drums at the property noted during the September 23, 2010 inspection were removed from the property and properly disposed.

1. Receipts were provided to show removal of a large portion of the debris however solid waste remains at the property.

COPY

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

Be advised that your property (Parcel Numbers C06-057000, C06-057100) is the site of open dumping of solid waste and remains in violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

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

Open Dumping is also a violation of Ohio Administrative Code (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".**

In the area that needs solid waste removed a gravel base is being laid to allow parking of vehicles. Please cease any type of fill in this area until all solid waste has been removed and an inspection has been conducted to verify the removal of the solid waste.

2. Also remaining at the property is scrap tires. Documentation has been provided to show that on October 21, 2010 Rumpke removed approximately 100 scrap tires from the property. Currently a tarped scrap tire pile and misc. tires were visible in the vegetation. The tires were found holding water. According to you, the tires were just recently tarped.

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. Several scrap tires on the property were observed to have water in them. The owners failure to keep the tires free of water is a violation of OAC 3745-27-60(C)(1)(b) which states in part:

**"Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time."**

This letter serves to inform you that the tires on your property must be removed for proper disposal at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office,** (Attn: Jill Olberding), 401 E. Fifth St., Dayton, Ohio 45402-2911.

As a reminder, scrap tires can only legally be hauled in loads of 10 (ten) or fewer scrap tires or in any number by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

**"Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers."**

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. 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.

3. Multiple 55-gallon drums are still stored on-site. During the inspection, you explained that you are working on having the drums containing soil characterized for proper disposal. The soil came from a clean-up of debris from a flood in the 1970s. The soil was placed into drums to facilitate removal from the basement of a company (now known as Spinnaker Coating). Based on generator knowledge, the soil drums will be analyzed for TCLP metals and disposed of accordingly.

   There are sixteen (16) 55-gallon drums and 15 5-gallon buckets still stored near the barn, along with multiple small containers stored throughout the property. On October 26, 2010, you faxed Ohio EPA a list of the content and condition for the 55-gallon drums. Some of the content descriptions were unknowns, sludge, and clear liquid. These containers need to be properly characterized to facilitate proper disposal. Along with the 55-gallon drums, the smaller containers also need to be evaluated. Please provide a list of the smaller containers documenting their contents and whether the material is a usable product or if it will be disposed. As noted in Cathy Altman's October 8, 2010, notice of violation letter, failure to properly evaluate waste on-site continues to be a violation of OAC 3745-52-11. To return to compliance, properly characterize and dispose of the remaining waste. **Please provide the list of containers and documentation of proper disposal of the waste containers to Ohio EPA,**

**Southwest District Office, (Attn: Cathy Altman), 401 E. Fifth St., Dayton, Ohio 45402-2911.**

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.

As a reminder receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Materials and Waste Management (DMWM) at the letterhead address. A re-inspection will be conducted to verify clean-up progress. If you have any questions, please contact me at (937) 285-6094 or Cathy Altman at (937) 285-6093.

Sincerely,

Jill Olberding

Jill Olberding, R.S.
Environmental Specialist II
Division of Material and Waste Management

JO/ca