



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

October 18, 2011

Hines Builders Inc.
Mr. Roger Mumpower
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 October 12, 2011, I conducted a follow-up site visit at the above referenced property. The site visit was to determine if the solid waste and scrap tires at the property noted during the June 23, 2011 and September 23, 2010 inspections has been removed from the property and properly disposed. Since the June 23, 2011 inspection it appears that no further solid waste or scrap tires have been removed from the site.

1. Be advised that your property (Parcel Numbers C06-057000, C06-057100) remains 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".

A minimal amount of solid waste needs to be removed but no further removal has occurred since the June 23, 2011 inspection. Please remove the remaining solid waste to return to compliance in a timely manner.

2. In addition, scrap tires remain at the property. At the last inspection, documentation was provided to show that on October 21, 2010 Rumpke removed approximately 100 scrap tires from the property. Currently a partially tarped scrap tire pile and misc. tires were visible in the vegetation. The tires were found holding water.

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."

As the vegetation dies off it is recommended that you collect the tires and count them. Please immediately remove for proper disposal any number of scrap tires over 100 scrap tires and then store the rest of your tires in the barn to keep them dry. You may then remove the remaining scrap tires as finances allow. **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

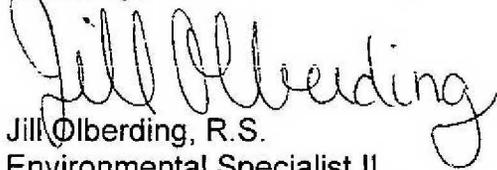
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piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

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

JO/ca