Environmental Protection Agency

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Koriesko, Director

June 24, 2010

RE: NOTICE OF VIOLATION
OPEN DUMPING
CARROLL COUNTY

CERTIFIED MAIL

Jana L. McNeely
REO Manager
Green Tree Servicing LLC
11595 N. Meridian Street #310
Carmel, IN 46032

Dear Ms. McNeely:

On June 23, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint investigation on the property located at 6194 Bluebird Road (subject property) in Brown Township, Carroll County, Ohio. No one was present at this property at the time of this inspection. During the investigation, I observed open dumping of solid waste and scrap tires, and illegal disposal of construction and demolition debris on the subject property.

I was notified by the manager of the Carroll County Emergency Management Agency that the Brown Township Fire Department was dispatched to the subject property this past weekend in response to a complaint that open burning was taking place on the property. I have not received a copy of the fire department's report at this time, but I did verify during my inspection that open burning of scrap tires and other solid waste and debris had taken place as reported.

Upon completing my inspection of the subject property, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) continue to exist at the subject property:

1. **Open Dumping of Solid Waste:** During this inspection solid waste, including but not limited to household waste, scrap tires, dining room chairs, an automobile gas tank, and yard waste (tree limbs, twigs and branches) were observed open dumped, open burned, and partially buried on this property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all solid waste open dumped on this property and properly dispose of it at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent additional solid waste from being open dumped on this property.

Northeast District Office
2110 East Aurora Road
Twinsburg, OH 44087-1924

330 | 963 1200
330 | 487 0769 (fax)
www.epa.ohio.gov

#2069

The open dumping of solid waste on this property is a violation of the following laws and rules:

- **ORC Section 3734.03**: *"No person shall dispose of solid wastes by open burning or open dumping..."*

- **ORC Section 3734.02(C):** *"...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director..."*

- **ORC Section 3734.05(A)(1):** *"...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection..."*

- **ORC Section 3734.05(A)(2):** *"...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility..."*

- **ORC Section 3734.11(A):** *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*

- **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*

- **OAC Rule 3745-37-01(A):** *"No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director..."*

2. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During this inspection C&DD wastes, including but not limited to disassembled manufactured homes, dimensional lumber, roofing shingles, insulation, flooring, and plumbing fixtures were observed illegally disposed and partially buried on this property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it at a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

The illegal disposal of C&DD on this property is a violation of the following laws and rules:

- **ORC Section 3714.06(A):** *"No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license issued by...the director of environmental protection."*

- **ORC Section 3714.13(A):** *"No person shall violate any section of this chapter."*

- **ORC Section 3714.13(B):** *"No person shall violate a rule adopted under this chapter."*

- **OAC Rule 3745-400-04(B):** *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

- **OAC Rule 3745-37-01(C):** *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

3. **Open Burning of Solid Waste and C&DD:** During this inspection multiple burn piles were observed on the property. Previously, approximately 70 to 80 scrap tires, as well as large volumes of solid waste and C&DD were observed open dumped on this property. Much of the waste that had been disposed on this property was no longer on the property and is assumed to have been open burned. The steel bands from dozens of scrap tires that had been open burned were observed and documented within the burn piles.

   The illegal disposal of C&DD on this property is a violation of the following laws and rules:

   - **OAC Rule 3745-19-04:** *"No person or property owner shall cause or allow open burning..."*

   In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately cease open burning of any wastes on this property. The burn piles must also be removed and properly disposed. Instructions on how to dispose of the burn piles properly are included below. Please read and follow these instructions very carefully:

OAC Rule 3745-27-79 provides guidelines and self-implementing characterization and remediation procedures after the open burning of scrap tires has caused contamination or degradation of soil, surface water, ground water, or other natural resources. This rule is applicable to any site where burning of scrap tires has occurred. All actions required to be taken pursuant to this rule shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. This rule shall not be construed to prevent the director from seeking legal or equitable relief to enforce the terms of this rule or from taking other administrative, legal or equitable action as deemed appropriate and necessary, including penalties for noncompliance. This rule shall not be construed to prevent the director from exercising the director's authority to enforce or require additional activities pursuant to Chapter 3704., 3714., 3734., or 6111. of the Revised Code or any other state or federal law, including the "Comprehensive Environmental Response, Compensation and Liability Act" (CERCLA).

OAC Rule 3745-27-79(C) provides the following priorities for remediation of scrap tire fire sites:

1. In accordance with OAC Rule 3745-27-79(C)(1), the first priority for remediation at the facility is to make written notification of the fire at the facility within seven days of its occurrence to the Ohio EPA Northeast District Office, the Ohio EPA Central Office, and the local health department. Please review a copy of this rule which details the information required with this letter by using the following link: http://www.epa.ohio.gov/portals/34/document/currentrule/3745-27-79_current.pdf.

2. In accordance with OAC Rule 3745-27-79(C)(1), the second priority for remediation at the facility is to remove all whole and partially burned tires as soon as possible to reduce the possibility of additional fires. All partially or completely burned scrap tires and scrap tire shreds shall be disposed as a solid waste in a licensed sanitary landfill. Whole tires that cannot be used or recycled due to exposure to high temperatures shall be disposed as solid waste. Details regarding this requirement are included in the link to rule provided above.

3. In accordance with OAC Rule 3745-27-79(C)(1), the third priority for remediation at the facility is to containerize all visible fire residue to avoid further migration of contaminants by wind and precipitation.

4. In accordance with OAC Rule 3745-27-79(C)(1), the fourth priority for remediation at the facility is to characterize the contained fire residual to

determine if the material meets the definition of a hazardous waste, as defined in Chapters 3745-51 and 3745-52 of the Administrative Code.

5. In accordance with OAC Rule 3745-27-79(C)(1), the fifth priority for remediation at the facility is to remove all containerized fire residue from the site and dispose of this residue in a licensed sanitary landfill if characterized as a solid waste; or manage and dispose in accordance with applicable state and federal laws.

In accordance with OAC Rule 3745-27-79(C)(2)(a), the actions listed in numbers two through five, above, shall be completed within 90 days.

Please address the above violations immediately, and notify me, in writing, within 30 days of receiving this letter, indicating the measures which have been taken to correct these violations.

Failure to correct the above violations and to properly remediate the areas of the property where open burning has occurred will result in escalated enforcement action being recommended against the owner(s) of this property by Ohio EPA.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Green Tree, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274 or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,

Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: Darren Machuga, DAPC-NEDO
Bart Ray, SIU-NEDO
Tom Cottis, Carroll County EMA
Jeff Yeager, Carroll County Treasurer
File: [Kurko/COUN/Carroll County/GEN/10]

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Sent To: Jana L. McNeely
Street, Apt. No.; or PO Box No.: Green Tree Servicing
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PS Form 3800, August 2006 — See Reverse for Instructions

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1. Article Addressed to:

Jana L. McNeely
REO Manager
Green Tree Servicing LLC
11595 N. Meridian Street #310
Carmel, IN 46032

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X P. Parsly ☐ Agent ☐ Addressee

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