



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

November 9, 2007

Jesse Von Stein
Von Stein & Company
2070 Jackson Road
Hamilton, Ohio 45011

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Von Stein:

On November 7, 2007, I re inspected your facility located at the Lake Bailey Motorcross Park located on your business complex at 2070 Jackson Road. This was a follow to a complaint investigation conducted on September 12, 2007 at your facility.

The construction and demolition debris (C&DD) observed during the initial investigation remains onsite. During re inspection, you stated that you will properly dispose of the material in the dumpster that you rent from Rumpke within two weeks of this inspection date. Also you stated that you would photograph the C&DD waste being dumped into the dumpster.

Violations

Unauthorized disposal of C&DD is a violation of:

OAC 3745-37-01(C), which states:

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 except as otherwise specified in this rule.

OAC Rule 3745-400-04(B), which states in part:

No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.

ORC Section 3714.06(A), which states in part:

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...

ORC 3714.99, which states:

Whoever knowingly violates section 3714.13 of the Revised Code is guilty of a misdemeanor of the second degree. Each day of violation is a separate offense.

ORC 3734.99, which states:

Except as otherwise provided in divisions (B), (C), (D), (E), (F), (G), and (H) of this section, whoever recklessly violates any section of this chapter, except section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], 3734.574 [3734.57.4], or 3734.60 of the Revised Code, recklessly violates section 3734.03 of the Revised Code with regard to scrap tires, or recklessly violates an order issued under division (B) of section 3734.13 of the Revised Code regarding a violation of the provisions of this chapter governing scrap tires, is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both. Whoever violates section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], or 3734.574 [3734.57.4] of the Revised Code shall be fined not more than ten thousand dollars. Each day of violation constitutes a separate offense.

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Corrective Actions

Immediately cease the acceptance, disposal of C&DD. All C&DD dumped at the site must be removed and properly disposed of at an appropriately licensed facility within 30 days of receipt of this letter. Provide the Ohio EPA with a copy of all waste receipts from the disposal of the solid waste and C&DD. Please send the receipts and pictures to:

**Ohio EPA
Attn: Monte Bluebaum
401 East Fifth Street
Dayton, OH 45402**

I will need to reinspect the site after you correct the violations listed in this letter. You may give me the photos and receipts when I reinspect the property, if you prefer. Please call me immediately after the corrective actions have taken place in order to set a reinspection date.

Please be advised that continued noncompliance with the previously listed code violations may result in escalated enforcement action.

Compliance with the requirements outlined in this letter of the solid and infectious waste provisions contained in ORC Chapter 3734, and the rules promulgated there under, does not relieve you of your obligation to comply with other applicable State and Federal laws and regulations.

If you have any questions, please contact me at (937) 285-6647.

Sincerely,

Monte Bluebaum R.S.

Monte Bluebaum, R.S.
Ohio EPA, Division of Solid and Infectious Waste Management

cc: Jeff Agnew, Butler County Health Department
SWDO file

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