

SENDER: COMPLETE THIS SECTION

- 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:

MR DANIEL LARIOS
1211 CENTRAL AVENUE
HAMILTON OH 45011

2. Article Number
(Transfer from service label)

7007 0220 0001 2491 7400

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Daniel Larios

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

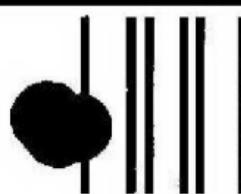
V. 15

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



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-SWDO
PAT WILLOUGHBY
401 EAST FIFTH STREET
DAYTON OH 45402 2911

U.S. Postal Service™
CEP™ ED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

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

Postmark
Here

Pat Gidd
Willoughby

Sent To
P. Larus 1211 Central Ave
Street, Apt. No.;
or PO Box No. Hamilton OH
City, State, ZIP+4 45011

7007 0220 0001 2491 7400

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- 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.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



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

September 11, 2007

Mr. Daniel Larios
1211 Central Avenue
Hamilton, Ohio 45011

Re: 2608 Oxford-State Road Property, Complaint, Solid Waste, Butler County.

Dear Mr. Larios,

On January 5, 2006, March 13, 2006, June 1, 2007, and September 5, 2007, I inspected your property located at 2608 Oxford-State Rd, Middletown, Ohio, in response to a complaint received by our office regarding the illegal storage of used tires. The inspections of your property were conducted to determine your compliance status with applicable Solid and Infectious Waste rules and regulations. During my inspections of January 5 & March 13, 2006, I met with Mario Alslaiti and on June 1, 2007, and September, 5, 2007, I met with you to discuss the complaint received by our office regarding the mismanagement of used tires located at 2608 Oxford-State Road. As a potential buyer of the property through a land-lease option you are required to comply with the scrap tire requirements as described in the Ohio Administrative Code (OAC).

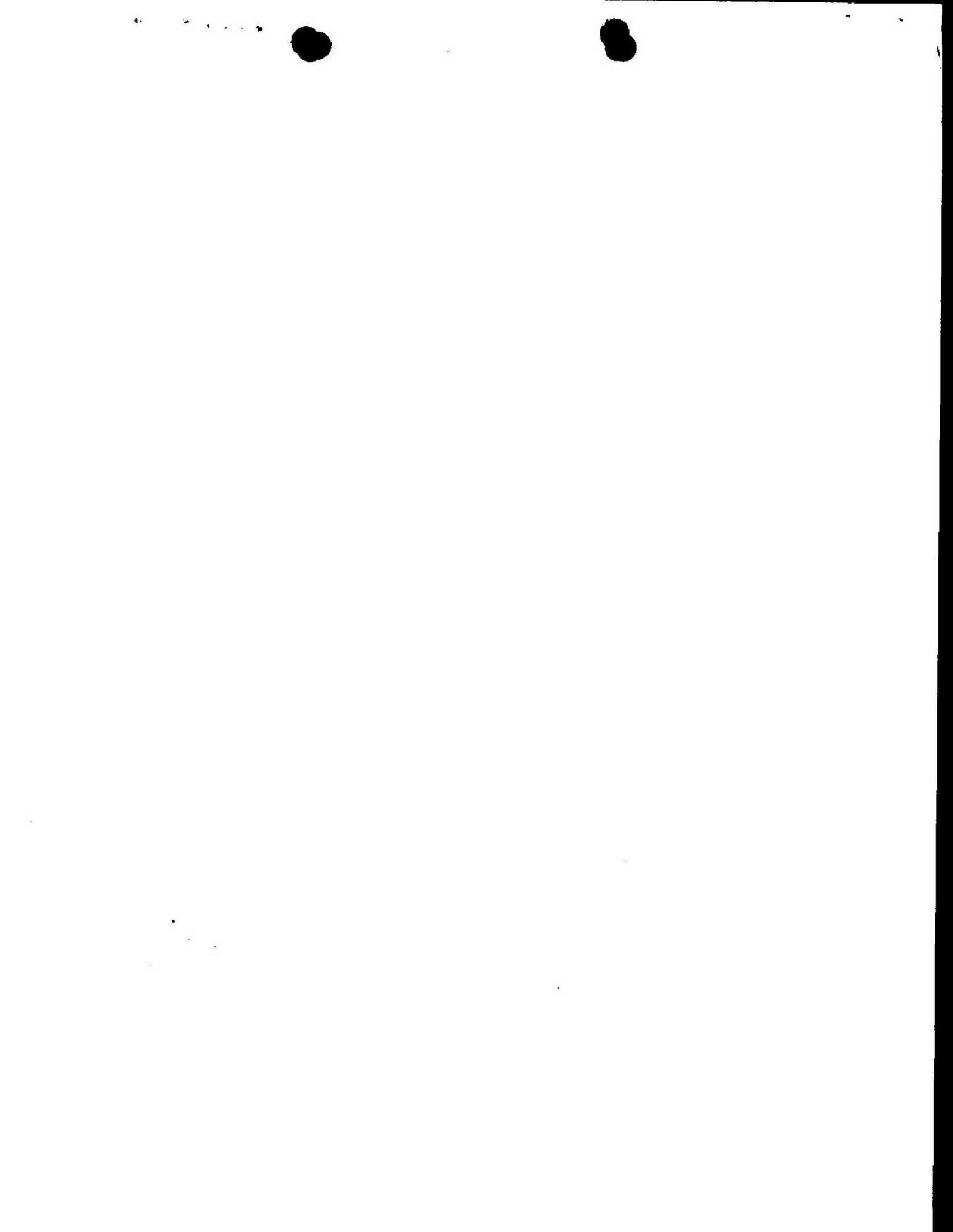
The following violations were documented as a result of the inspections. All violations are prefaced by the appropriate Ohio Administrative Code (OAC).

1) General Storage and Handling of Scrap Tires

OAC 3745-27-60(B)(5) states:

"Scrap tires shall not be covered with soil."

Many of the tires were covered by other debris, and partially buried. The scrap tires must not be covered with soil or other debris.



2) Water in Tires and Mosquito Control

OAC 3745-27-60(B)(1) 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 the following standards:

(a) Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored."

OAC 3745-27-60(B)(8) states:

"One or more of the following shall be done to control mosquitoes at the premises:

(a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

(b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio department of agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and epa registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.

(c) Use another method of mosquito control which is approved by Ohio EPA."

During my inspections, it was determined that there were a large number of tires that were piled up on site and were collecting water. Some of the tires were in trailers, trucks, and school buses.

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 mosquitos. Mosquitos identified at tire



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

If an adulticide or larvicide is applied as a method of mosquito control, then mosquito control records must be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the adulticide or larvicide, the date and time of the application, and the name of the person who applied the adulticide or larvicide. The records must be available for inspection during normal work hours.

3) Scrap Tire Pile Height

OAC 3745-27-60(B)(6)(b) states in part:

"Scrap tire storage piles shall not exceed eight feet in height."

During my inspections, it was determined that there were tire piles in excess of the eight (8) feet height limit.

4) Scrap Tire Piles

OAC 3745-27-60(B)(6)(c) states:

"Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."

During my inspections, it was determined that there was one scrap tire pile of at least five hundred (500) tires that was immediately adjacent to other scrap tires piles.

5) Fire Lanes

OAC 3745-27-60(B)(6)(f) states:

"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."

During my inspections, it was determined that there were not sufficient fire lanes around the various scrap tire piles.



6) Open Dumping

Ohio Revised Code (ORC) Section 37834.01 states in part:

"Open dumping means the depositing of solid wastes into a body of water or stream 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."

Tires are a solid waste. Open dumping of solid waste is a violation of the 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 OAC 3745-27-05(C) which states:

"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 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 located on your property must be removed immediately.

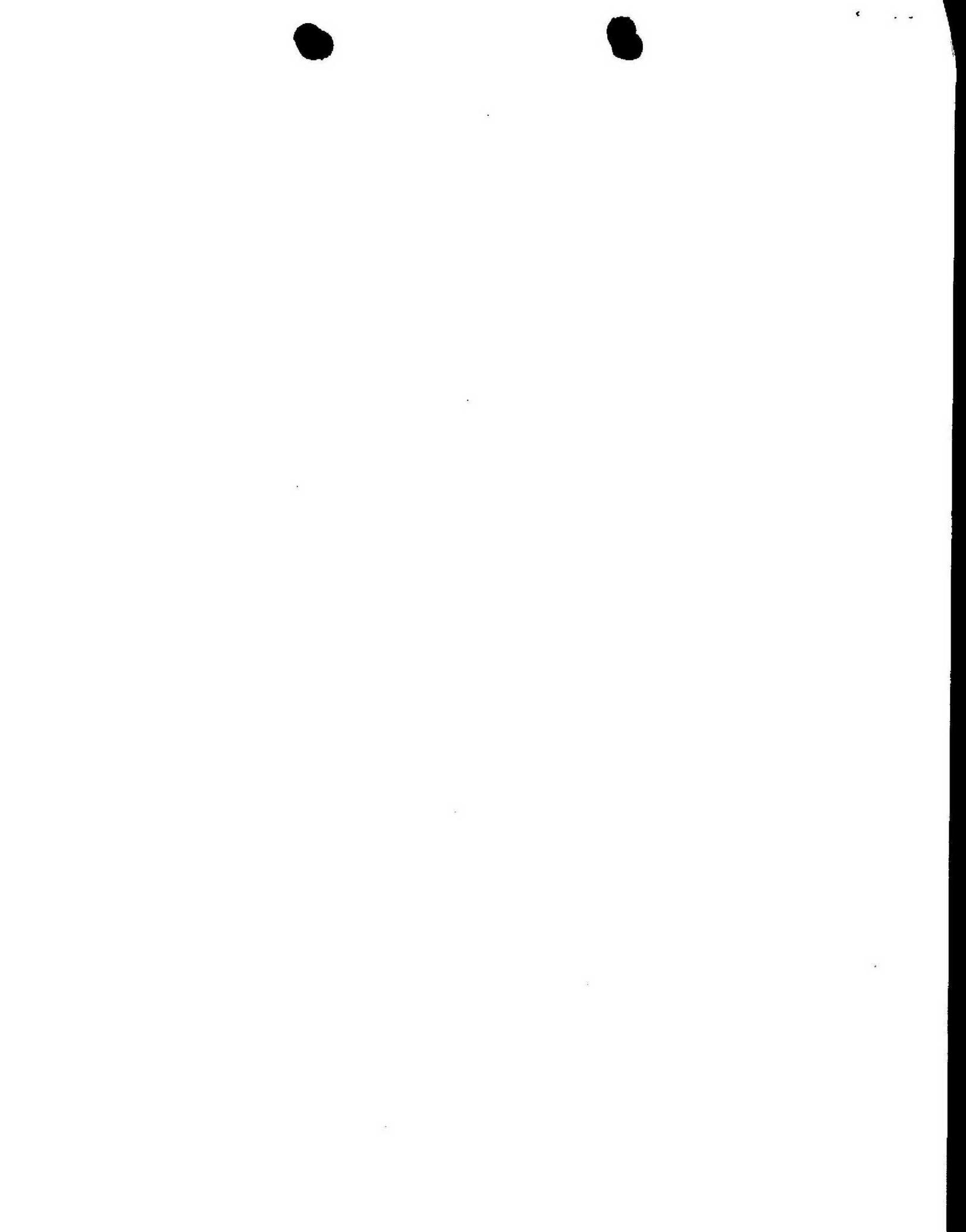
7) Scrap Tire Facility Registration

Storage of scrap tires on your property is operating a scrap storage facility without a registration. OAC 3745-27-61 states:

"An application for a registration certificate for a new facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office of Ohio EPA's Division of Solid and Infectious Waste Management, based on where the facility is to be located, at least ninety days prior to the date on which the applicant proposes to accept scrap tires at the facility."

Scrap tires located on your property must be removed immediately.

To come into compliance you must uncover, segregate, inventory and organize all scrap tires located at 2608 Oxford-State Road, and you must comply with all applicable scrap tire management requirements as described in the Ohio Administrative Code, chapters 3745-27-54 thru 3745-27-79.



Mr. Daniel Larios
September 11, 2007
Page 5

The Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) specifically prohibit open dumping of tires. This letter serves to inform you that the tires on your property must be removed for proper disposal. Scrap tires may be disposed of at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office:**

**Ohio EPA, Southwest District Office
(Attention Pat Willoughby)
401 E. Fifth Street
Dayton, Ohio 45402-2911**

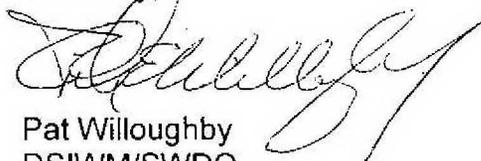
A reinspection will then be scheduled to verify that the cleanup is complete to verify and document your return to compliance with Ohio law.

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 or contaminants to the environment.

Please correct these violations immediately and submit documented proof of the correction within thirty (30) days of the date of this letter.

Should you require any technical or regulatory assistance, please feel free to contact me at (937) 285-6648.

Sincerely,



Pat Willoughby
DSIWM/SWDO

cc: Butler County file

PW/plh



.