



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 Korteski, Director

**CERTIFIED MAIL**

September 26, 2007

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

**SUBJECT: NOTICE OF VIOLATION**

Dear Mr. Von Stein:

On September 12, 2007, Jill Olberding and I investigated a complaint pertaining to the alleged improper disposal of scrap tires and solid waste items including a trailer and refrigerators on the Lake Bailey Motorcross Park located on your business complex at 2070 Jackson Road.

During the investigation, we did not observe evidence of disposal of scrap tires or solid waste items. However, we did observe a pile of construction and demolition debris (C&DD). You stated that the C&DD material is from demolition of a shed on the property. You also advised us that you could properly dispose of the material in the dumpster that you rent from Rumpke within a month. 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.*

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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.*

### **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:**

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Von Stein & Company  
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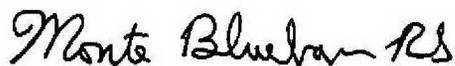
Ohio EPA  
Southwest District Office  
Attn: Monte Bluebaum  
401 East Fifth Street  
Dayton, Ohio 45402

**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.**

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.

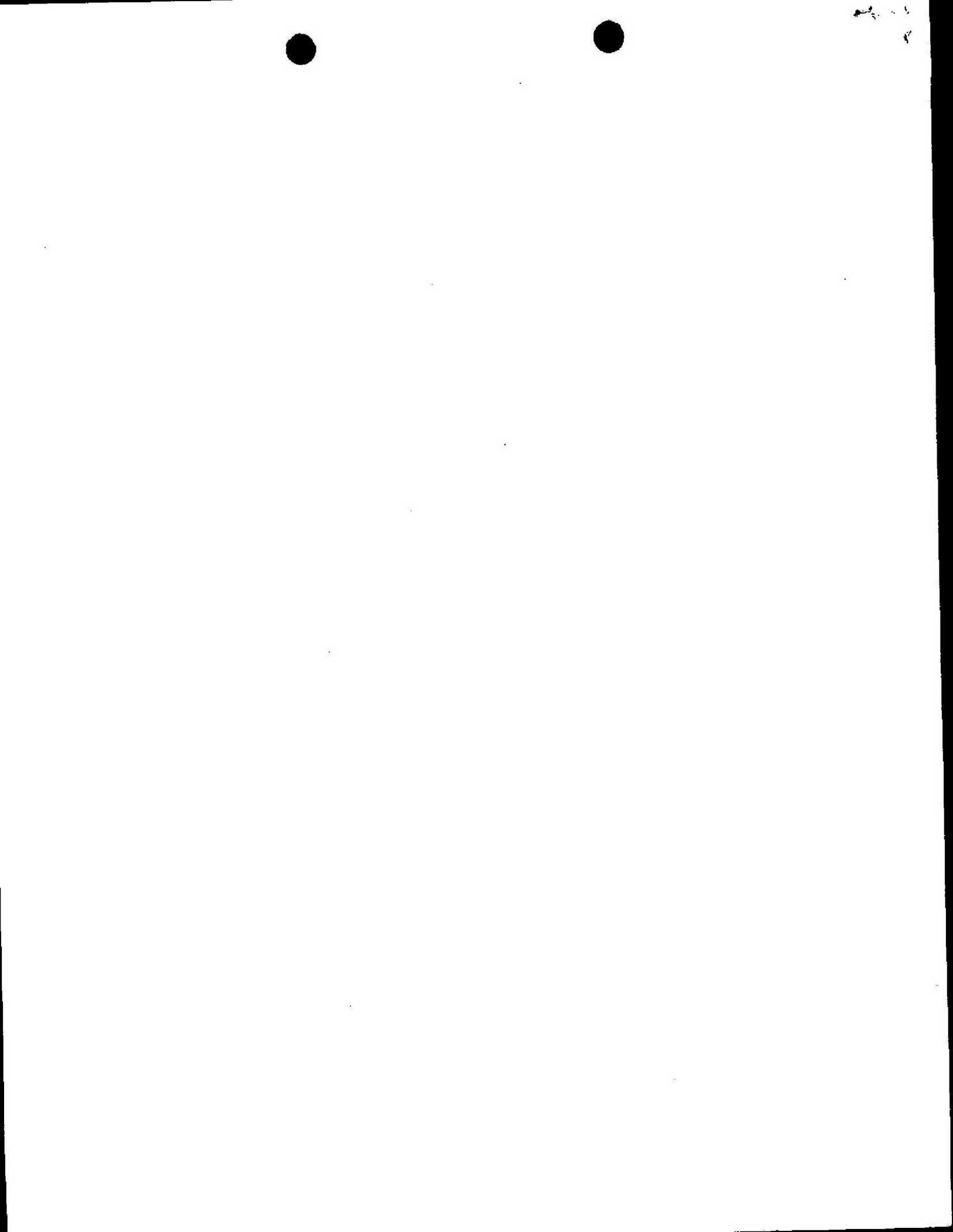
Sincerely,



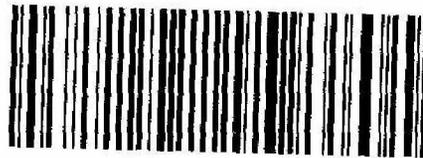
Monte Bluebaum, R.S.  
Ohio EPA, Division of Solid and Infectious Waste Management

cc: Jeff Agnew, Butler County Health Department  
File

MB/plh



**CERTIFIED MAIL™**



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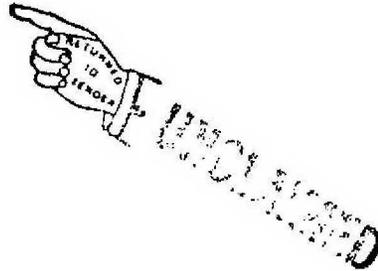
UNITED STATES POSTAGE  
PITNEY BOWES  
02 1P \$ 005.210  
0002642461 SEP 27 2007  
MAILED FROM ZIP CODE 45402

**OhioEPA**

State of Ohio Environmental Protection Agency

Southwest District Office  
301 East Fifth Street  
Dayton, Ohio 45402-2911

EPA 2306 (rev. 4-94)



MR JESSE VON STEIN  
VON STEIN & COMPANY  
2070 JACKSON ROAD  
HAMPTON OH 45011

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450 SE 1

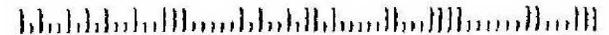
25 10/21/07

RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 43402291101

\*2815-09463-21-22

4501145534 3008  
4540202911



1st Notice  
2nd Notice  
12-7

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**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 JESSE VON STEIN  
VON STEIN & COMPANY  
2070 JACKSON ROAD  
HAMILTON OH 45011

2. Article Number

0002 0220 0001 2491 7240

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

Return Receipt

102595-02-M-1540

7007 0220 0003 2493 7240

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Here  
Monte

Sent To  
 J. Van Stein Von Stein 3 Comp  
 Street, Apt. No.,  
 or PO Box No. 2070 Jackson Rd  
 City, State, ZIP+4  
 Hamilton OH 45011

## **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.**