



State of Ohio Environmental Protection Agency

Butler County
Health Dept
Ben. Carr.

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

July 31, 2007

Mrs. Regina Morgan
5131 Brandy Lane
Hamilton, Ohio 45011

**Re: Notice of Violation - Open Dumping/Open Burning
Property located at 5131 Brandy Lane, Butler County**

Dear Mrs. Morgan:

On July 12, 2007, I, representing the Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), met with you to conduct a follow-up inspection of the property located at 5131 Brandy Lane, Hamilton, Ohio 45011. The purpose of this follow-up inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734. During the inspection, I was accompanied by Monte Bluebaum, Ohio EPA-DSIWM.

During the July 12, 2007 inspection Ohio EPA was informed that you just recently purchased the property from Nation Star Mortgage LLC.

In a letter dated January 29, 2007 Ohio EPA sent Nation Star Mortgage notification that open dumping and open burning violations were present on the aforementioned property (see attached letter). On January 8, 2007, I conducted a comprehensive inspection of the property as a response to a complaint received by Ohio EPA, Division of Solid and Infectious Waste Management.

During my inspection on July 12, 2007, I observed the following:

1. Miscellaneous solid waste and construction and demolition debris (see Figures 1, 2, and 3) including, but not limited to: mattresses, beer cans, household garbage, bottles, paint cans, concrete ready mix, bags of rock salt, bicycles, bathtub, lawn chairs, yard tools, wheel barrel, metal ladder, plastic five-gallon buckets, plastic bags, two lawnmowers, plastic trash cans, plastic dog house, plastic tubing, car parts, corrugated piping, wooden interior doors, furniture foam, have been dumped and have been partially burned behind the house and along the side of the yard.



Figure 1(Left) and Figure 2(Right): Miscellaneous solid waste dumped behind home on property



Figure 3: Misc. solid waste dumped on property (paint cans, household hazardous waste, food waste, etc.)

Open Dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

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

The open dumping of solid wastes observed on this property is a 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 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”.

In addition, the open burning of solid waste is in violation of OAC Rule 3745-27-05(B) and ORC Section 3734.03, and the open burning of demolition debris is in violation of OAC Rule 3745-400-04 and ORC Section 3714.02.

Disposal of C&DD along the rear of the property is a violation of ORC Section 3714.06(A), which states is 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...”

This is also a violation of 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”.

2. Miscellaneous solid waste including but not limited to: a scrap tire, a car battery, pipes, electrical wiring, scrap metal and car parts were dumped on the ground in the front side yard next to the driveway (see Figures 4, 5, and 6).



Figure 4: Misc. solid waste –Battery, car part, wiring,etc. Figure 5: Scrap tire next to driveway



Figure 6: Misc. solid waste dumped on property next to driveway

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The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. This letter serves to inform you that the solid wastes and C&DD on your property must be removed for proper disposal (E.g., solid waste in a licensed sanitary landfill). **Receipts documenting proper disposal will need to be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and**

Infectious Waste Management (DSIWM) and a reinspection scheduled to verify that the clean up is complete to 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 of contaminants to the environment.

As such, corrections of the violations cited herein are expected to begin immediately.

Please respond in writing within fourteen days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.

Environmental Specialist

Division of Solid and Infectious Waste Management

cc: Brian Richards, Butler County Health Department

Enclosure: Copy of Notice of Violation letter dated January 29, 2007 to Nation Star Mortgage, LLC.

ML/rif

... and 3. Also complete
so that we can return the reverse
■ Attach this card to the back of the mailpiece,
or on the front if space permits.

1. Article Addressed to:

MR JOBY BISHOP
BISHOP TRUCK CARE
231 SENATE DRIVE
MONROE OH 45050

2. Article Number
(Transfer from service label)
PS Form 3811, August 2001

7007 0220 0001 2491 7547
Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

B. Received by (Printed Name)
Robert Besten

Agent
 Addressee

C. Date of Delivery
8/21/7

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

Certified Mail
 Registered
 Insured Mail

Express Mail
 Return Receipt for Merchandise
 C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

UNITED STATES POSTAL SERVICE

CINCINNATI OH 452



21 AUG 2007 PM 6 T

• 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

7007 0220 0001 2491 754

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

Mailed
8/20
Postmark
Here
Pat W.

Sent To
 J. Bishop Bishop Truck Care
 Street, Apt. No.,
 or PO Box No. 231 Senate Dr.
 City, State, ZIP+4 Monroe LA 70550

PS Form 3800, August 2006

See Reverse

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



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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Butler Co.
Health Dept
Gen. Corr.

March 4, 2008

David & Regina Morgan
5131 Brandy Ln.
Hamilton, Ohio 45011

RE: Notice of Violation- Open Dumping/Open Burning
Property located at 5131 Brandy Ln, Butler County

Dear Mr. & Mrs. Morgan:

On February 8, 2008, Monte Bluebaum and I representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), met with Mrs. Morgan to conduct a follow-up of the July 12, 2007 inspection of the property located at 5131 Brandy Lane, Hamilton, Ohio 45011. The purpose of this follow-up inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

On August 24, 2007, I received a letter from David Morgan indicating that cleanup activities on the property would commence August 25, 2007 and anticipated removal of the three (3) large mounds of solid waste dumped throughout the backyard. The letter also indicated that scrap metals dumped on the property will be recycled and open bags of rock salt found dumped behind the garage will be containerized for reuse.

On February 8, 2008, Mrs. Morgan indicated that a partial cleanup of the property took place in September 2007 and provided the documentation in the form of a disposal receipt for the removal and disposal of materials from the property which were disposed at Rumpke Sanitary Landfill, Hamilton County. According to the Rumpke invoice #2557684 dated September 4, 2007 8:48am, the total tonnage of msw removed from the property was 5.220 tons and was disposed at the Rumpke Sanitary Landfill located at 10795 Hughes Rd, Hamilton County, Ohio. Per Mrs. Morgan's request a copy was made of this receipt and the original receipt is being returned as an attachment to this letter (see enclosures).

During my inspection on February 8, 2008, I observed the following:

1. Miscellaneous solid waste and construction and demolition debris (see Figures 1-9) including, but not limited to: aluminum cans, household garbage, bottles, orange rope, green rubber hoses, painted framing lumber and support beams, three (3) scrap tires, black plastic tarp, aluminum siding, furniture foam are dumped and partially burned behind the house and along the side of the yard.



Figure 1(Left) and Figure 2(Right): Remaining piles of miscellaneous solid waste & C&DD, burn residue in pile



Figure 3 (Left) and Figure 4(Right): Remaining piles of miscellaneous solid waste & C&DD dumped behind home on property



Figure 5 (Left) and Figure 6(Right): Remaining pile of scrap metal w/scrap tire and one scrap tire partially on rim in backyard.



Figure 7 (Left) Black plastic tarp



Figure 8 (Right): Painted lumber & framing timbers, one partially buried tire by fence



Figure 9: MSW (hose, foam, white pvc)

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

2. A car battery remains dumped on the ground in the front side yard next to the driveway (see Figure 10). Ohio EPA has created a NEW guidance regarding Lead Acid Batteries and a new Ohio law prohibits the disposal of lead acid batteries in solid or hazardous waste landfills. The law is intended to ensure that all spent lead acid batteries are recycled in Ohio. (Please refer to the enclosed DHWM guidance document, Lead-Acid Batteries Must Be Recycled for the recycling of this battery).



Figure 10: Misc. solid waste –car battery on ground next to driveway

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3. A small pile of partially burned solid waste was observed near the new fencing to the backyard. The open burning of solid waste is in violation of OAC Rule 3745-27-05(B) and ORC Section 3734.03.



Figure 11: Partially burned misc. msw (blanket, household trash)



Figure 12: Partially burned pile of Misc. MSW (blanket, household trash)

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Notice of Violation – Open Dumping/Open Burn
5131 Brandy Lane, Butler County
Page 7 of 7

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If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.

Environmental Specialist

Division of Solid and Infectious Waste Management

Enclosures: Original Rumpke Sanitary Landfill disposal receipt dated 9/4/07
Ohio EPA-DHWM Guidance document, Lead-Acid Batteries Must Be Recycled, dated
February 2008

cc: Brian Richards, Butler County Health Department

ML/rf

