



State of Ohio Environmental Protection Agency

*Butler Co  
Health Dept  
Gen. Cons.*

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, Lt. Governor  
Laura Powell, Acting Director

January 25, 2007

Miller Farm Enterprises LLC.  
c/o Schumacher Dugan Construction Inc.  
Attn: Chris Wunnenberg  
6355 Centre Park Dr,  
West Chester, Ohio 45069

Dear Mr. Wunnenberg,

On January 12, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) responded to a complaint of open dumping at 7950 Seward Road (parcel no. A0300007000003).

Cheryl Allen, Environmental Specialist III from Ohio EPA, DSIWM accompanied me during this inspection.

The following observations were made during our inspection:

1. Concrete mixed with miscellaneous solid waste and construction and demolition debris (C&DD) including but not limited to scrap tires, metal lock box, wood, shingles, dresser, pvc piping, wiring were dumped along the property between the two remaining barns.

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".**



Pursuant to Ohio Administrative Code (OAC) Rule 3745-400-01(E),

**“Clean Hard Fill”** is defined as construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. **Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.**

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.**

2. Animal carcasses have been left exposed in the barn, please dispose of these materials appropriately.

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal. Municipal solid waste may be disposed of at a licensed sanitary landfill. **Receipts and/or photographs documenting proper disposal will need to be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a reinspection scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law.**

Please be advised the concrete may be source separated and used for clean hard fill on the property in accordance with OAC Rule 3745-400-05(A),

“Clean hard fill consisting of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, or stone shall be managed in one or more of the following ways:

- (1) Recycled into a usable construction material.
- (2) Disposed in licensed construction and demolition debris or other waste facilities.
- (3) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on the site of generation.
- (4) Used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, pursuant to paragraph (C) of this rule.”



Butler County  
Complaint Investigation- 7950 Seward Rd, Fairfield, Ohio  
parcel no. A0300007000003  
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**The Notice of Intent to Fill needs to be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers.** Failure to submit a NOI to Ohio EPA is a violation of the Ohio's Construction and Demolition Debris Rules and Regulations and could result in escalated enforcement. **The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code.** The notifier shall provide a new Notice of Intent to Fill if there are any changes in the information required by this rule for notification.

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 Recovery Act remedying conditions resulting from any release of contaminants to the environment.

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

Sincerely,



Maria Lammers, R.S.

Environmental Specialist II

Division of Solid and Infectious Waste Management

enclosure: Notice of Intent Form



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