

Southwest District

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

July 31, 2007

Mr. Stephen J. Wilson
2385 Jacksonburg Rd.
Hamilton, Ohio 45011

**RE: 1676 Sippys Lane, Butler County
Notice of Violation- Open Burning/Open Dumping**

Dear Mr. Wilson:

On January 12, 2007, Cheryl Allen and I representing the Ohio EPA, Division of Solid and Infectious Waste Management (DSIWM) responded to a complaint of open burning at your property located at 1676 Sippys Ln (Parcel #94). The purpose of this inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During the January 12th site inspection I observed the following:

1. Miscellaneous solid waste including but not limited to a mattress, two pieces of cardboard, a bicycle, a container of antifreeze, scrap tires, household hazardous waste, aluminum cans, and glass bottles had been dumped in the fire pit and burned in the fire pit next to the garage on the property (See Figure 1, 2 and 3).



Figure 1: Burn pit with solid waste on property

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Figure 2: Solid waste burned in pit



Figure 3: Burned scrap tires (rims and steel belts) in pit

On July 12, 2007, I returned to your property located at 1676 Sipps Lane (Parcel #94) to further investigate the solid waste open burning complaint. Monte Bluebaum representing Ohio EPA, DSIWM accompanied me on this visit. Your property located at 1676 Sipps Lane, Butler County, Ohio continues to be in violation of open dumping and open burning of solid wastes in violation of Ohio Law.

The following observations were made during this re-inspection:

2. Miscellaneous solid waste including but not limited to a mattress, two pieces of cardboard, a bicycle, a container of antifreeze, scrap tires, household hazardous waste, aluminum cans, and glass bottles had been dumped in the fire pit and burned in the fire pit next to the garage on the property (See Figure 4 and 5).



Figure 4: Open burning of solid waste in pit



Figure 5: Open burn pit with solid waste next to garage

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Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations:

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 and open burning 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..."

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.

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".

By open dumping and burning the aforementioned wastes on your property, you have created a disposal facility. Establishing a solid waste facility without a permit is a violation of ORC Section 3734.02(C), which states in part:

"Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that

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operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code”.

Operating and maintaining a solid waste facility without a license is a violation of ORC Section 3745.05(A), which states in part:

“Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code”.

This is also a violation of OAC Rule 3745-37-01(A), which states in part:

“No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district”.

The above violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A), which states:

“No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code”.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping and burning of solid wastes. **As such, acceptance of material and burning of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.**

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- This letter serves to inform you that **the solid wastes on your property must be removed for proper disposal** (E.g., solid waste in a licensed sanitary landfill) and **must be taken to a licensed facility.**
- **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) at the letterhead address, attention Maria Lammers.**
- **A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.**

Please respond in writing within seven (7) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations. Failure to comply with this Notice of Violation will result in escalated enforcement.

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.

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

cc: Jerry Lanich, St. Clair Township Zoning
Brian Richard, Butler County Health Department

ML/rjf

