



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Butler Co
Health Dept
Gen. Comm.

January 19, 2011

Certified Mail

Mr. Earl Scheidler
c/o 6909 Long View Drive
Hamilton, Ohio 45011-7277

**RE: Notice of Violation- Open Dumping/Open Burning
Property located at 1450 W. Elkton Rd., Butler County**

Dear Mr. Scheidler:

On November 29, 2010, I representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) responded to a complaint of open dumping/open burning at the property located at 1450 W. Elkton Rd. in Butler County. Ohio EPA also received copies of fire reports from the St. Clair Township Fire Department responding to debris fires on this property on July 31, 2010 and September 26, 2010. This property is shown on the Butler County Auditors records as parcel number L4910021000010 and indicates that you (Earl E. Scheidler et al) as current property owner. 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.

This property, parcel number L4910021000010, is the site of open dumping and open burning of solid wastes and construction and demolition debris (C&DD). During my inspection on November 29, 2010, I observed the following:

1. I observed several piles of miscellaneous municipal solid wastes along the driveway of the property and the burnt remains of trash piles near the center and back side of the property. The piles of miscellaneous solid wastes included but not limited to scrap tires, mattresses, toilets, yard waste, scrap metal, aluminum cans, glass, bottles, and tree limbs/ brush were commingled with the debris.
2. In addition to the solid wastes found on the property I also observed piles of construction and demolition debris illegally disposed on the ground which includes but is not limited to: wallboard, framing lumber and aluminum siding and gutters that have been dumped on the ground.

Municipal solid waste is defined under OAC Rule 3745-27-01(M)(6), which states in part:

"Municipal solid waste" is a type of solid waste generated from community, commercial, and agricultural operations...

Construction and demolition debris is defined under OAC Rule 3745-400-01(F), which states in part:

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways.

Yard waste is defined under OAC Rule 3745-27-01(Y)(1), which states in part:

"Yard waste" means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs. Yard waste does not include industrial or agricultural processing 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.

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:

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”.

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”.

Disposal of C&DD in an unlicensed facility 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...”

The illegal disposal of C&DD on the property 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”.

The owner's failure to remove and properly dispose of all MSW and C&DD from the property remains a violation of the Ohio Revised Code, Ohio's Solid Waste Rules and Construction and Demolition Rules.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. 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: Ohio Revised Code (ORC) Section 3734.03, OAC Rule 3745-27-05(B)(5) and (C), ORC Section 3734.02(C), ORC Section 3745.05(A), OAC Rule 3745-37-01(A), and the violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A).

Disposal of C&DD in an unlicensed facility places you in violation of the following Construction and Demolition Debris Laws and Regulations: ORC Section 3714.06(A), OAC Rule 3745-37-01(C), OAC Rule 3745-400-04(B), OAC Rule 3745-400-04, ORC Section 3714.02 and the violations of the ORC and OAC, constitute a violation of ORC 3714.13.

As such, acceptance of material, burning and disposal of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.

- 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) and must be taken to a licensed facility.
- Please provide, at a minimum, a time frame for removal of all debris and an action plan for the removal. The plan must also contain the location of the licensed facility where debris will be taken for proper disposal. The plan must also contain milestones projecting completion of work by day and/or week.
- 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
Division of Solid and Infectious Waste Management

cc: Jerry Lanich, St. Clair Township Zoning Department
Chief Environmental Services, Butler County Health Department

MLbp

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MR EARL SCHEIDLER
C/O 6909 LONG VIEW DR
HAMILTON OH 45011-7277

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(Transfer from service label)

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Earl Scheidler Agent
 Addressee

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C. Date of Delivery

1/20/11

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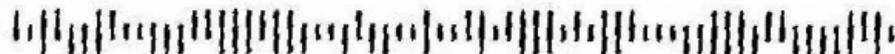
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IMPORTANT: Save this receipt and present it when making an inquiry.

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