



State of Ohio Environmental Protection Agency

Butler Co
Health Dept
Gen. Corr.

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

Alvis Landscaping/Gravel
Mr. Jeff Lynch
P.O. Box 243
Miami Town, Ohio 45041

**Re: Open Dumping at property located at 2110 Millville Rd
Return to Compliance Letter**

Dear Mr. Lynch:

On January 8, 2007, I met with you in response to a complaint of open dumping at the property located at 2110 Millville Road in Butler County, Ohio.

During the January 8, 2007 inspection, I observed miscellaneous solid wastes including but not limited to scrap tires, piping, used 50-gallon drums, plastics, foam cushion, straw bails dumped along the rear of the property near the adjacent waterway (see Figures 1, 2, 3 and 4). There were several areas of ponding water located around the pile of scrap tires, roll-off container and around equipment storage areas. At that time I recommended re-grading these areas to prevent mosquito breeding habitat.

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 onto the ground 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:

"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”.



Figure 1: Scrap tires near water (Photos taken 1-8-07) Figure 2: Scrap tires, drum, plastic flags, and cushion



Figure 3: Ponding, scrap tires (taken 1-8-07) Figure 4: Pieces of left over piping dumped near tire pile

On July 17, 2007, Monte Bluebaum and I representing the Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), conducted a follow-up inspection of the property located at 2110 Millville Road, Butler County, Ohio. 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 to verify that the clean up had been completed. Solid wastes which include the scrap tires have been removed from the aforementioned parcel (see Figures

Mr. Jeff Lynch
July 31, 2007
Page 3

5, 6 and 7). Ponding that was previous noted has been corrected at the site. However, there is still a 50-gallon drum under the concrete cover and miscellaneous solid waste items that needs to be properly disposed of in the on-site roll-off for disposal.

Please be advised, tires that are not on rims must be properly stored to prevent holding of water which will promote a mosquito breeding habitat. Equipment storage areas need to be cleaned up to make materials readily accessible and not appear to be open dumping upon further inspections.

During our inspection you indicated that these items would be taken care of immediately, please ensure proper disposal.



Figure 5: Drum, Straw bails under concrete cover

Figure 6: Equipment Storage area- needs organized



Figure 7: Correction of previously noted ponded area in front of concrete cover

Thank you for your cooperation in resolving the complaint of open dumping of solid waste, scrap tires at 2110 Millville Road, Butler County, Ohio.

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

Mr. Jeff Lynch
July 31, 2007
Page 4

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: Brian Richard, Butler County Health Department

ML/rif