

Butler Co.  
Health Dept  
Ken Carr.



State of Ohio Environmental Protection Agency

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 Koneski, Director

**CERTIFIED MAIL**

July 22, 2008

Ms. Pamela J. Winkler  
3232 Wayne Madison Rd  
Trenton, Ohio 45067

Ms. Patty Roark  
5155 Augspurger Road  
Hamilton, Ohio 45011

RE: Notice of Violation- Open Dumping/Open Burning  
Property located at 5155 Augspurger Rd, Butler County

Dear Ms. Winkler:

This letter is being sent to your attention as the property owner of record (in accordance to the Butler County Auditor's website on July 10, 2008).

On July 8, 2008, I met with Regan Roarke and conducted a follow-up inspection of your property located at 5155 Augspurger Road (Parcel No.L5220058000007), Hamilton, Butler County, Ohio. 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. Ms. Patty Roark was also present on the property during this inspection.

This inspection was done as a follow-up to the Notice of Violation letter dated March 4, 2008 and inspection conducted on February 8, 2008 in which Monte Bluebaum of Ohio EPA, Division of Solid and Infectious Waste Management accompanied me during the February 8, 2008 inspection.

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

1. The piles of miscellaneous municipal solid waste have been removed from the property as seen in the photos of the initial inspection and re-

Notice of Violation – Open Dumping  
5155 Augspurger Road, Butler County  
Page 2 of 9

inspection below (Figures 1-13). According to Mr. Roarke materials were disposed through their local trash hauler and disposed at a licensed solid waste facility.



Figure 1: Pile of MSW & C&DD located on NE section of property



Figure 2: Area in Fig.1 re-inspection showed materials removed



Figure 3: C&DD located near NW property line

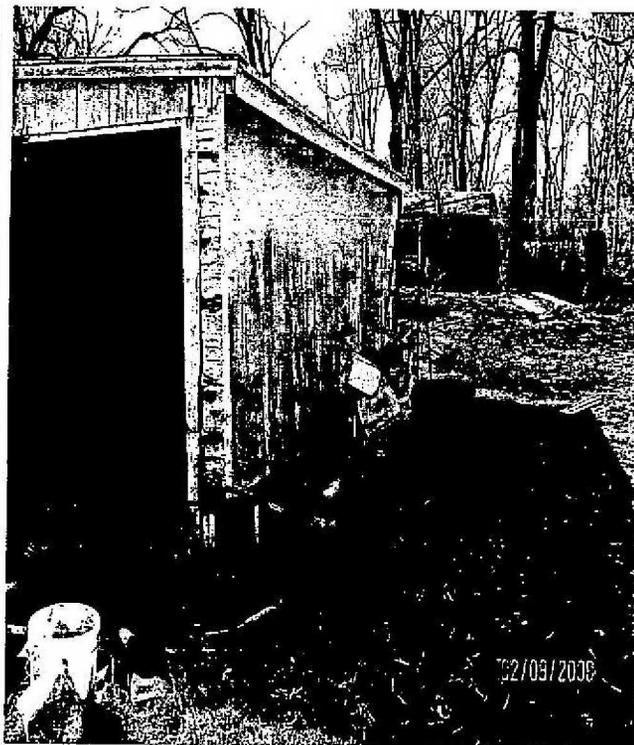


Figure 4: Misc msw on ground near storage garages

Notice of Violation – Open Dumping  
5155 Augspurger Road, Butler County  
Page 4 of 9



Figures 5(Left) & 6(Right): show the areas in Fig.1 & 2 cleaned upon re-inspection

Notice of Violation – Open Dumping  
5155 Augspurger Road, Butler County  
Page 5 of 9

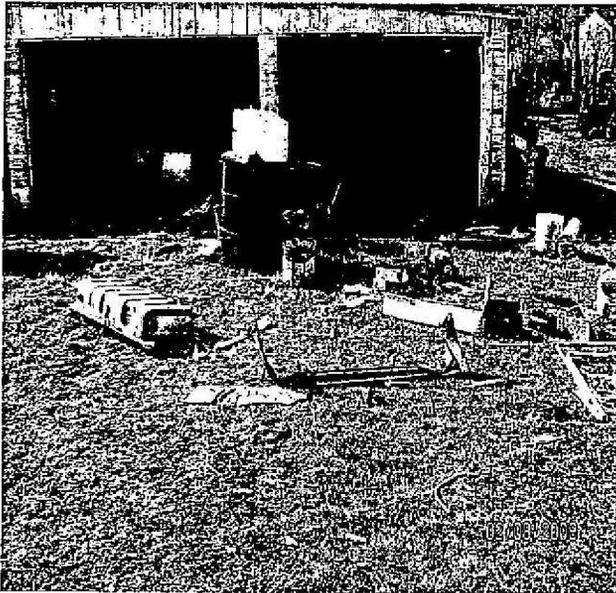


Figure 7: Misc msw near storage garages



Figure 8: scrap tires, plastic tarps, couch, chairs, wood, wallboard



Figure 9: Area in Fig.7- violations abated

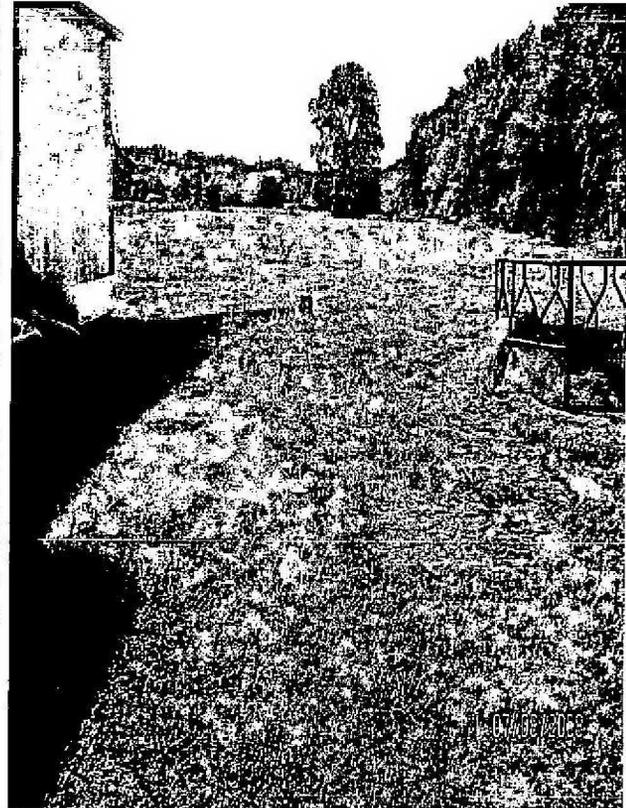


Figure 10: Area in Fig.8 –violations abated

Notice of Violation – Open Dumping  
5155 Augspurger Road, Butler County  
Page 6 of 9

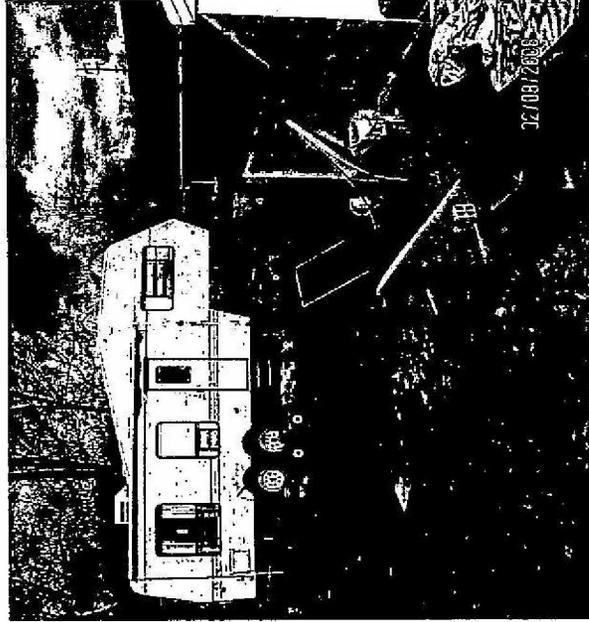


Figure 11: Misc msw & C&DD on ground near garage



Figure 12: solid waste & C&DD on ground near camper



Figure 13: shows the cleanup of materials, violations abated from Figures 11 & 12

2. Scrap tires still remain on the property stacked in several areas along the northeast and northwest quadrant of the property near the storage garages and along the property boundary. A large pile of scrap tire ranging from fifty (50) to seventy-five (75) scrap tires still remain on the southwest corner of the property. I also observed water and mosquito larvae in the scrap tires located near the camper. During this inspection, Mr. Roarke indicated that the water in the tires would be removed and the tires placed in the large barn for proper storage within the next two weeks, until a registered scrap tire transporter could be hired to properly remove the scrap tires for disposal. As discussed with Mr. Roarke during this inspection, receipts will need to be provided to Ohio EPA as evidence of proper disposal for the scrap tires. Furthermore, until the tires are properly drained and stored to prevent the accumulation of water and mosquito larvae within the tires, this remains a 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”.**

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. The scrap tires on the property were observed to have water collecting in them.

The improper storage and handling of scrap tires on the property is a violation of **OAC Rule 3745-27-60(B)(1)**, which states in part:

"The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:

Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored."

This is a violation of **OAC Rule 3745-27-60(B)(6)(c)**, which states in part:

"Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."

Combustible material including wood, weeds and tree debris, was present in and around the piles of scrap tires on the property. This is a violation of **OAC Rule 3745-27-60(B)(6)(e)** which states in part:

"Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves."

This is also a violation of **OAC Rule 3745-27-60(B)(6)(f)** which states in part:

"Sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas."

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow fever, Dengue Fever and West Nile Virus.

The above violations of the ORC, and the OAC, constitute a violation of ORC 3714.13 which states:

- "(A) No person shall violate any section of this chapter.
- (B) No person shall violate a rule adopted under this chapter.
- (C) No person shall violate an order issued under this chapter. Violation of an order issued by a board of health under this chapter is not also a violation of section 3709.20 or 3709.21 of the Revised Code, whichever is applicable."

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

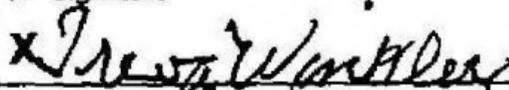
MS PAMELA J WINKLER  
3232 WAYNE MADISON RD  
TRENTON OH 45069

2. Article Number  
(Transfer from service label)

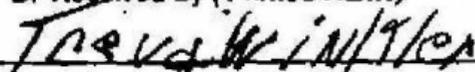
7007 0220 0001 2491 8810

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature


 Agent Addressee

B. Received by (Printed Name)



C. Date of Delivery

7-28-08

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

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

UNITED STATES POSTAL SERVICE

CINCINNATI OH 452

25 JUL 2008 PM 2 L

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-40

• Sender: Please print your name, address, and ZIP+4 in this box •

MARIA LAMMERS  
OHIO EPA SWDO  
401 EAST FIFTH STREET  
DAYTON OH 45402 2911

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MS PATTY ROARK  
5155 AUGSPURGER ROAD  
HAMILTON OH 45011

2. Article Number  
(Transfer from service label)

PS Form 3811, August 2001

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x Gregory J. Lee

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

7007 0220 0001 2491 8827

Domestic Return Receipt

2595-02-M-1540

UNITED STATES POSTAL SERVICE

CINCINNATI OH 452



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

MARIA LAMMERS  
OHIO EPA- SWDO  
401 EAST FIFTH STREET  
DAYTON OH 45402 2911

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage *vided*)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

*mailed*

Postmark  
Here ..

*mailed  
J.*

Sent To

*P. Winkler*

Street, Apt. No.,  
or PO Box No.

*3232 Wayne Madison Rd*

City, State, ZIP+4

*Trenton OH 45067*

7007 0220 0001 2491 8810

See Reverse for Instructions

### **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

7007 0220 0001 2491 8827

U.S. Postal Service<sup>TM</sup>

**CERTIFIED MAIL<sup>TM</sup> RECEIPT**

(Domestic Mail Only; No Insurance Coverage. *Voided*)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

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

*Mailed*

Postmark  
Here

*Mailed*

Sent To *P. Roark*

Street, Apt. No.,  
or PO Box No. *5155 Augsburg Rd.*

City, State, ZIP+4<sup>®</sup> *Hamilton OH 45011*

### **Certified Mail Provides:**

- A mailing label
- 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

Notice of Violation – Open Dumping  
5155 Augspurger Road, Butler County  
Page 9 of 9

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes.

- This letter serves to inform you that **the scrap tires on your property must be removed for proper disposal and must be taken to a licensed scrap tire 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.**
- **A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.**

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.

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

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: Ohio EPA's list of Registered Scrap Tire Transporters & Licensed Scrap Tire Facilities

Cc: Jerry Lanich, St. Clair Township Zoning Department w/enclosures

ML/plh

