



Environmental
Protection Agency

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

Re: Defiance County
12355 State Route 49 Property
DMWM Case # 11-14
Notice of Violation

May 17, 2011

Certified Mail 7009 1410 0001 1840 1904.

Mr. Scott Haver
305 Lane 280A Hamilton Lake
Hamilton, Indiana 46742

Dear Mr. Haver:

On March 2, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Air Pollution Control (DAPC) investigated illegal open burning at your property located at 12355 State Route 49, Hicksville, Ohio 43526. As a result of the investigation DAPC determined that illegal burning was taking place on the property and a notice of violation was sent to your attention on March 4, 2011. Additionally, due to the nature of the issues observed during the inspection DAPC forwarded the case on to the Division of Materials and Waste Management (DMWM).

On May 3, 2011, I, representing Ohio EPA, DMWM conducted an inspection at the 12355 State Route 49 property. I was accompanied by Tyler Madeker, also with DMWM. You were not at the property at the time of the inspection; however, a tenant who rents the property was present and granted access to complete an inspection. During the inspection it was observed that a significant amount of material had been burnt in a burn pile located in the eastern portion of the property. Information gathered from DAPC's investigation indicated that you clean out homes that you rent and for "banks". Once the materials are removed from the homes, materials that cannot be used are transported to the 12355 State Route 49 property and are burnt for disposal.

On May 13, 2011, I spoke with you over the phone, in an effort to collect additional information. During our phone conversation you indicated that this was an activity that you had done previously and no longer had any intention of disposing of materials in this manner. You indicated that the ash material would be clean up and properly disposed, and that you would provide me with photographs documenting proper disposal. Additionally, as we discussed, attached is a "Before You Light It..." guidance document that outlines Ohio EPA's open burning regulations.

Mr. Scott Haver
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Notice of Violations of Ohio Laws and Rules

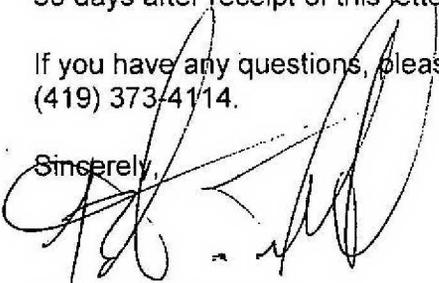
Ohio Revised Code (ORC) Section 3734.03 states, "No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping."

By disposing of solid waste by open burning and/or burying you are in violation of ORC 3734.03.

You must cease disposing of solid waste by burning and/or burying immediately; failure to do so may result in escalated enforcement action. Additionally, all ash and residual burnt material generated from the incident must be removed and properly disposed of at a municipal solid waste landfill. Photos documenting proper disposal must be sent to my attention at 347 N. Dunbridge Road, Bowling Green, Ohio 43402 or to brent.goetz@epa.state.oh.us no later than 30 days after receipt of this letter.

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.
Environmental Specialist
Division of Materials and Waste Management

/cs

Enclosures

pc: ~~File:DMWM-SW-Defiance-County-Dump-Sites~~

ec: Mike Reiser, NWDO, DMWM
Tom Cikotte, NWDO, DAPC

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Mr. Scott Hauer 305 Lane 280A Hamilton Lake Hamilton, IN 46742</p>	<p>B. Received by (Printed Name) Scott Hauer</p>	<p>C. Date of Delivery 5-19-11</p>
	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number</p> <p>7 7009 1410 0001 1840 1904</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>		

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<p>CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)</p>	
<p>For delivery information visit our website at www.usps.com</p>	
<p><i>Defiance Co. Dump Sites</i></p>	
<p>Postage \$</p>	<p>Postmark Here</p> <p><i>1102 8 1 AM</i></p>
<p>Certified Fee</p>	
<p>Return Receipt Fee (Endorsement Required)</p>	
<p>Restricted Delivery Fee (Endorsement Required)</p>	
<p>Total Postage & Fees \$</p>	
<p>Sent To <i>Mr. Scott Hauer</i></p>	
<p>Street, Apt. No., or PO Box No. <i>305 Lane 280A Hamilton Lake</i></p>	
<p>City, State, ZIP+4 <i>Hamilton, IN 46742</i></p>	
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>	