

**Environmental  
Protection Agency**

Teo Strickland, Governor  
Lee Fisher, Lt. Governor  
Chris Korleski, Director

October 15, 2010

Neal Brothers Inc.  
1920 W Eldean Road  
Troy, Ohio 45373

RE: Notice of Violation- Open Dumping  
Field located off Lytle Road, Miami County  
Parcel Number C06-057200

Dear Neal Brothers Inc.:

This letter is being sent to your attention as the property owner of record (in accordance to the Miami County Auditor's website).

On September 23, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), conducted a site visit in response to a complaint of open dumping on an adjacent property and discovered open dumping on your 64.58 acre corn field located off Lytle Road (Parcel Number C06-057200) Troy, Miami County, Ohio. The open dumping was found on the southeast corner of the corn field adjacent to property owned by Hines Builders Inc.

Your property (Parcel Number C06-057200) is the site of open dumping of solid wastes. During my inspection on September 23, 2010, I observed the following:

1. Dumping into a ravine. I observed miscellaneous solid waste (MSW), including but not limited to brush, lumber, farm waste (seed corn), and fresh yard waste.

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...**

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.**

Open burning and disposal of solid waste on your property (Parcel Number C06-057200) instead of disposing at a licensed solid waste facility places you in violation of the following Solid Waste Laws and Regulations:

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."**

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

**"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3714 of the Revised Code."**

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 solid wastes on your property must be removed for proper disposal and be taken to a licensed facility (e.g. licensed sanitary landfill or transfer 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.

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- 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.
- Re-inspections will be conducted to verify clean-up progress.

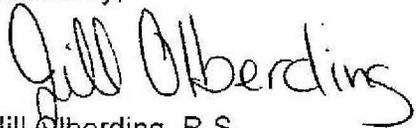
**Please respond in writing within 15 (fifteen) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.** Failure to comply with this Notice of Violation will could result in escalated enforcement.

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) 285-6094.

Sincerely,



Jill Oberding, R.S.  
Environmental Specialist II  
Division of Solid and Infectious Waste Management

JO/ka

