



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Notice of Violation
Ottawa County

September 9, 2008

Certified Mail 7006 0100 0004 1318 2722

Mr. & Mrs. Rick and Sally Stine
Venture Associates, Inc.
3326 Springdale Drive
Lambertville, Michigan 48144

Dear Mr. & Mrs. Stine:

On August 15, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the properties located on Elmdale Drive, Lots 7 – 12 and 16 – 20, Park Addition, Clay Township, Ottawa County (property). Mr. Stine represented Venture Associates during the inspection. Mary Wright of Ohio EPA was also present during the inspection.

This property, formerly owned by Wilbur Buffington of Genoa, Ohio, was purchased by Venture Associates on June 21, 2007. As you are aware, Mr. Buffington is subject to Ohio EPA Director's Final Findings and Orders (DFF&Os), dated June 7, 2002, and a Judgment Entry from the Ottawa County Court of Common Pleas, dated June 15, 2004. These legal documents obligate Mr. Buffington to the cleanup of Lots 7 – 20 of the Park Addition, which includes removal of scrap tires, solid waste, and material that could be salvaged or recycled from the property. Mr. Buffington's obligations under these documents did not end with your purchase of the property.

Significant progress in removal of scrap tires, solid waste and materials that could be salvaged or recycled (vehicles and metals) was observed during the inspection. However, scrap tires, solid waste and recyclables remain on the property.

The owner/operator of this site remains in violation of the following rules and laws:

1. Ohio Revised Code (ORC) §3734.03 which states in pertinent part: *No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection ...*

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2. OAC Rule 3745-27-05(C) which states in pertinent part: *No person shall conduct, permit, or allow open dumping ...*
3. ORC §3734.81(A) which states in pertinent part: *... no person shall operate a scrap tire collection, storage, monocell, monofill, or recovery facility without a license ...*
4. ORC §3734.76(C) which states in pertinent part: *... no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate ...*
5. OAC Rule 3745-27-61(B) which states in pertinent part: *An application for a registration certificate as required by section 3734.75, 3734.76, or 3734.78 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the scrap tire collection, class II storage, or class I scrap tire recovery facility is begun ...*
6. ORC §3734.05(A) which states in pertinent part: *... no person shall operate or maintain a solid waste facility without a license ...*
7. ORC §3734.02(C) which states in pertinent part: *... no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit ...*

These violations will continue until all solid wastes, including scrap tires, are removed from the property and properly disposed.

On July 23, 2008, Ohio EPA received faxes from Venture Associates that document the removal of 108.4 tons of recyclable materials from the property from October 24, 2007 through June 17, 2008. Faxes were also received from Waste Management of Ohio Northwest Hauling (Waste Management) that document the removal of a total of 34.04 tons of scrap tires from the property on July 23, August 6 and September 5, 2007 and August 8, 2008. Mr. Stine stated during the inspection that four or five loads of scrap tires had been removed from the property in 2008. Waste Management is attempting to locate manifests for 2008 loads other than the one removed in August. If Venture Associates has copies of scrap tire transport manifests for the other pick up dates, please mail or fax them to my attention upon receipt of this letter. In addition, no receipts documenting removal of solid waste from the property have been received. Please mail or fax receipts documenting removal of solid wastes from the property have been received

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Please forward the receipts requested above to my attention at:

Ms. Kimberly Burnham
Ohio EPA, NWDO
Division of Solid & Infectious Waste Management
347 North Dunbridge Road
Bowling Green, Ohio 43402

or Fax:

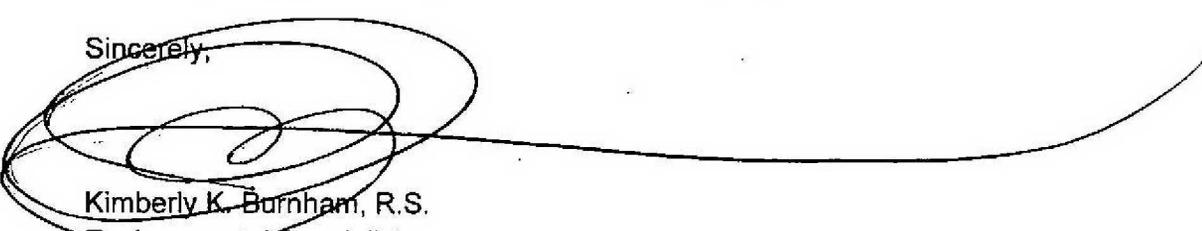
(419) 352-8468

This correspondence addresses specific observations only for the areas of the site that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please contact me at (419)373-3049.

Sincerely,



Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid & Infectious Waste Management

/cs

pc: Scott Young, Ottawa County Health Department
Lee Yackee, Clay Township Trustees
Gary Kapp, Clay Township Zoning
Barry Chapman, DSIWM, CO
Harry Smail, DSIWM, CO
Marty Cooper, Legal
Kimberly Burnham, DSIWM, NWDO
~~DSIWM, NWDO File # Ottawa County, Wilbur, Buffington, Dump, Tires~~
ec: Mike Reiser, DSIWM, NWDO

| 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 checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>ROSALIA S STINE</i> C. Date of Delivery <i>9/16/08</i></p> |
| <p>1. Article Addressed to:</p> <p><i>Mr. & Mrs. Rick & Sally Stine Venture Assoc. Inc. 3326 Springdale Dr. Lambertville, MI 48144</i></p> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <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>2. <i>7006 0100 0004 1318 2722</i> <i>duim/dim/ca</i></p> | |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p> | |

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Ohio EPA

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SEP - 9 2008
BOWLING GREEN

Sent To *Venture Assoc. Inc.*
Street, Apt. No. or PO Box No. *3326 Springdale Dr.*
City, State, ZIP+4 *Lambertville, MI 48144*

PS Form 3800, June 2002 See Reverse for Instructions

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