



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 24, 2007

**CERTIFIED MAIL**

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

Dear Mr. and Mrs. Stine:

On August 13, 2007, 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 and other Venture Recycling employees were 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.

Ohio EPA is aware that another company you own, Venture Recycling, contracted with Mr. Buffington in summer 2006 to cleanup the property. From June 7 through August 28, 2007, Ohio EPA received several faxes from Venture Recycling and Venture Associates that document the removal of 174.7 tons of recyclable materials from the property from February through August 2007. Although significant progress has been observed since summer 2006, scrap tires, solid waste, and materials that could be salvaged or recycled (vehicles and metals) remain on the property.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(24) as:

*"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, . . . , spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.*

Disposal of solid waste and scrap tires at the aforementioned property constitutes open dumping as that term is defined in OAC Rule 3745-27-01(O)(4):

*"Open dumping" means the following: . . .*

- (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility . . . .*
- (b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility . . . .*

**The owner/operator of this site is 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. . .*
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 II 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. Lists of scrap tire facilities, scrap tire transporters, and solid waste landfills are included for your convenience.

**Please respond in writing within 30 days of receipt of this letter with a schedule detailing your plan for removal and disposal of the scrap tires and other solid wastes from the property. Your schedule shall include, at minimum, an estimated completion date and the identities of the disposal facilities and registered scrap tire transporters to be utilized.**

Please continue to forward receipts documenting disposal of the scrap metal, scrap tires, and solid waste to my attention at:

Ohio EPA - NWDO  
Attn: Kimberly Burnham  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

As discussed with Mr. Stein during the inspection, OAC Rule 3745-27-60(B)(8) requires the owner/operator of a scrap tire site to take measures to control mosquitoes. On September 9, 2007, I received an email from Ms. Rosalia Sally Stine that stated the property is fogged for mosquitoes at least twice a week. The email included a photograph of a jug of "Mosquito Beater Flying Insect Fog." Ensure the fogger product and your use thereof complies with OAC Rule 3745-27-60(B)(8)(b):

*Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.*

Mr. and Mrs. Rick and Sally Stine  
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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 and Infectious Waste Management

/llr

Enclosures

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  
File: Ottawa County, Wilbur Buffington Dump, Tires

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee  <i>Sally Stine</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent  <i>SALLY STINE</i></p> <p>C. Date of Delivery <input type="checkbox"/> Addressee  <i>9/26/07</i></p>
<p>1. Article Addressed to:  <i>Rick AND Sally Stine</i>  <i>Venture Associates, INC.</i>  <i>3326 Springdale Drive</i>  <i>Lambertville, ME 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>
7006 3450 0001 0611 3050	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>											
<b>OFFICIAL USE</b>											
<table border="1"> <tr> <td>Postage</td> <td>\$ 75</td> </tr> <tr> <td>Certified Fee</td> <td>2.65</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>2.15</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td><b>Total Postage &amp; Fees</b></td> <td><b>\$ 5.55</b></td> </tr> </table>	Postage	\$ 75	Certified Fee	2.65	Return Receipt Fee (Endorsement Required)	2.15	Restricted Delivery Fee (Endorsement Required)		<b>Total Postage &amp; Fees</b>	<b>\$ 5.55</b>	<div style="text-align: center;">  </div>
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PS Form 3800, August 2006 See Reverse for Instructions											

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