



Environmental
Protection Agency

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

January 24, 2012

SCHEIDLER EARL E ETAL
C/O Mr. Joseph Scheidler
6909 Long View Drive
Hamilton, Ohio 45011-7277

**RE: 3rd Notice of Violation- Open Dumping/Open Burning
Property located at 1450 W. Elkton Rd., Butler County**

Dear Mr. Joseph Scheidler:

This letter is being sent to your attention, since I was made of aware that you will be my point of contact concerning your father's property located at 1450 W. Elkton Road located in Butler County. This property as shown on the Butler County Auditor's website on January 24, 2012, records this property as parcel number L4910021000010 and indicates (Earl E. Scheidler et al) is the current property owner. However I was notified that Mr. Earl Scheidler is currently not in good health and all matters should be referred to your attention.

As of January 24, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) has not received any responses from the Notice of Violation letters dated January 19, 2011 and July 8, 2011 that were sent to Mr. Earl Scheidler (Copies of these letters are attached).

On January 11, 2012, I representing the Ohio EPA, Division of Materials and Waste Management (DMWM) conducted a follow-up inspection of the property located at 1450 W. Elkton Rd in Butler County. The purpose of the January 11, 2012 inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734. This property, parcel number L4910021000010, continues to be the site of open dumping and open burning of solid wastes and construction and demolition debris (C&DD).

During my inspection on January 11, 2012, I observed the following:

1. I observed several new piles of debris dumped along the roadway on the property and around the entrance. The swing gate on the access road from W. Elkton Road remained affixed in the open position.
2. I observed several piles of miscellaneous municipal solid wastes along the driveway of the property and the burnt remains of trash piles near the center and back side of the property. The piles of miscellaneous solid wastes included but not limited to: mattresses, recliners, couches, toilets, yard waste, scrap metal,

aluminum cans, glass, bottles, and tree limbs/ brush were commingled with the debris.

3. I also observed piles of construction and demolition debris illegally disposed on the ground which included but is not limited to: wallboard, shingles, framing lumber, aluminum siding and gutters.

Definitions:

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...

Construction and demolition debris is defined under OAC Rule 3745-400-01(F), which states in part:

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways.

Yard waste is defined under OAC Rule 3745-27-01(Y)(1), which states in part:

"Yard waste" means solid waste that includes only leaves, grass clippings, brush, garden waste, tree trunks, tree stumps, holiday trees, and prunings from trees or shrubs. Yard waste does not include industrial or agricultural processing wastes.

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.

Violations:

Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places the property owner in violation of the following Solid Waste Laws and Regulations:

1. 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...”

2. 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”.

3. 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”.

4. Disposal of C&DD in an unlicensed facility is a violation of ORC Section 3714.06(A), which states is part:

“No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license...”

5. The illegal disposal of C&DD on the property is also a violation of OAC Rule 3745-400-04(B), which states in part:

“No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code”.

The property owner's failure to remove and properly dispose of all MSW and C&DD from the property remains a violation of the Ohio Revised Code, Ohio's Solid Waste Rules and Construction and Demolition Rules.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations: Ohio Revised Code (ORC) Section 3734.03, OAC Rule 3745-27-05(B)(5) and (C), ORC Section 3734.02(C), ORC

Notice of Violation – Open Dumping
1450 W Elkton Rd (Parcel ID# L4910021000010), Butler County
January 24, 2012
Page 4 of 5

Section 3745.05(A), OAC Rule 3745-37-01(A), and the violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A).

Disposal of C&DD in an unlicensed facility places you in violation of the following Construction and Demolition Debris Laws and Regulations: ORC Section 3714.06(A), OAC Rule 3745-37-01(C), OAC Rule 3745-400-04(B), OAC Rule 3745-400-04, ORC Section 3714.02 and the violations of the ORC and OAC, constitute a violation of ORC 3714.13.

Corrective Actions:

As such, acceptance of material, burning and disposal of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.

- This letter serves to inform you that the solid wastes and C&DD on your property must be removed for proper disposal (E.g., solid waste in a licensed sanitary landfill) and must be taken to a licensed 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.
- Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Materials and Waste Management (DMWM) at the letterhead address, attention Maria Lammers.
- A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.

Please respond in writing to this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations. 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.

Notice of Violation – Open Dumping
1450 W Elkton Rd (Parcel ID# L4910021000010), Butler County
January 24, 2012
Page 5 of 5

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
Division of Materials and Waste Management

ML\rb

Enclosures: Photos from inspection on 1/11/2012
Copies of the former inspection letters

cc: Jerry Lanich, St. Clair Township Zoning Department
Chief Environmental Services, Butler County Health Department



01/11/2012

HOT IN READY



01/11/2012



01/11/2012







Environmental
Protection Agency

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

10-24-10
Health Dept
Gen. Comm.

January 19, 2011

Certified Mail

Mr. Earl Scheidler
c/o 6909 Long View Drive
Hamilton, Ohio 45011-7277

**RE: Notice of Violation- Open Dumping/Open Burning
Property located at 1450 W. Elkton Rd., Butler County**

Dear Mr. Scheidler:

On November 29, 2010, I representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) responded to a complaint of open dumping/open burning at the property located at 1450 W. Elkton Rd. in Butler County. Ohio EPA also received copies of fire reports from the St. Clair Township Fire Department responding to debris fires on this property on July 31, 2010 and September 26, 2010. This property is shown on the Butler County Auditors records as parcel number L4910021000010 and indicates that you (Earl E. Scheidler et al) as current property owner. 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.

This property, parcel number L4910021000010, is the site of open dumping and open burning of solid wastes and construction and demolition debris (C&DD). During my inspection on November 29, 2010, I observed the following:

1. I observed several piles of miscellaneous municipal solid wastes along the driveway of the property and the burnt remains of trash piles near the center and back side of the property. The piles of miscellaneous solid wastes included but not limited to scrap tires, mattresses, toilets, yard waste, scrap metal, aluminum cans, glass, bottles, and tree limbs/ brush were commingled with the debris.
2. In addition to the solid wastes found on the property I also observed piles of construction and demolition debris illegally disposed on the ground which includes but is not limited to: wallboard, framing lumber and aluminum siding and gutters that have been dumped on the ground.

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

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"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.

Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in 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”.

Disposal of C&DD in an unlicensed facility is a violation of ORC Section 3714.06(A), which states is part:

“No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license...”

The illegal disposal of C&DD on the property is also a violation of OAC Rule 3745-400-04(B), which states in part:

“No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code”.

The owner’s failure to remove and properly dispose of all MSW and C&DD from the property remains a violation of the Ohio Revised Code, Ohio's Solid Waste Rules and Construction and Demolition Rules.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations: Ohio Revised Code (ORC) Section 3734.03, OAC Rule 3745-27-05(B)(5) and (C), ORC Section 3734.02(C), ORC Section 3745.05(A), OAC Rule 3745-37-01(A), and the violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A).

Disposal of C&DD in an unlicensed facility places you in violation of the following Construction and Demolition Debris Laws and Regulations: ORC Section 3714.06(A), OAC Rule 3745-37-01(C), OAC Rule 3745-400-04(B), OAC Rule 3745-400-04, ORC Section 3714.02 and the violations of the ORC and OAC, constitute a violation of ORC 3714.13.

As such, acceptance of material, burning and disposal of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.

- This letter serves to inform you that the solid wastes and C&DD on your property must be removed for proper disposal (E.g., solid waste in a licensed sanitary landfill) and must be taken to a licensed 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.
- 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, attention Maria Lammers.
- A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.

Please respond in writing within seven (7) 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 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.

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

cc: Jerry Lanich, St. Clair Township Zoning Department
Chief Environmental Services, Butler County Health Department

ML\bp

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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:

MR EARL SCHEIDLER
 C/O 6909 LONG VIEW DR
 HAMILTON OH 45011-7277

A. Signature

Earl Scheidler

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

1/20/11

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

2. Article Number

(Transfer from service label)

7007 0220 0001 2491 6700

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20 JAN 2011 PM 3

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OHIO ENVIRONMENTAL PROTECTION AGENCY
SOUTHWEST DISTRICT OFFICE
ATTN MARIA LAMMERS - DSMW
401 EAST FIFTH STREET
DAYTON OH 45402-2911



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

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LAMMERS -
Postmark OSUWA
Here

Sent To
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 or PO Box No.
 City, State, ZIP+4

MR EARL SCHEIDLER
 C/O 6909 LONG VIEW DR
 HAMILTON OH 45011-7277

Certified Mail Provides:

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- A record of delivery kept by the Postal Service for two years

Important Reminders:

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- 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

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- 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:

**SCHEIDLER EARL ETAL
C/O MR EARL SCHEIDLER
6909 LONG VIEW DRIVE
HAMILTON OH 45011-7277**

A. Signature

[Handwritten Signature]
 Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

7/1/04

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

2. Article Number

(Transfer from service label)

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7007 0220 0001 2492 1323

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

FROM: MARIA
HAMMER
- DMWM
Postmark
Here

Total Postage & Fees

SCHEIDLER EARL ETAL
C/O MR EARL SCHEIDLER
6909 LONG VIEW DRIVE
HAMILTON OH 45011-7277

Sent To

Street, Apt. No.,
or PO Box No.
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PS Form 3800, November 2008

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PS Form 3800, August 2006 (Reverse) PSN 7630-02-000-9047



Environmental
Protection Agency

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

Health Dept
Gen. Corr.

July 8, 2011
Certified Mail

SCHEIDLER EARL E ETAL
C/O Mr. Earl Scheidler
6909 Long View Drive
Hamilton, Ohio 45011-7277

**RE: 2nd Notice of Violation- Open Dumping/Open Burning
Property located at 1450 W. Elkton Rd., Butler County**

Dear Mr. Scheidler:

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 8, 2011), since the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO) has not received any response from the letter dated January 19, 2011.

On November 29, 2010, I representing the Ohio EPA, Division of Materials and Waste Management (DMWM) responded to a complaint of open dumping/open burning at the property located at 1450 W. Elkton Rd in Butler County. Ohio EPA also received copies of fire reports from the St. Clair Township Fire Department responding to debris fires on this property on July 31, 2010 and September 26, 2010. This property is shown on the Butler County Auditors records as parcel number L4910021000010 and indicates that you (Earl E. Scheidler et al) as current property owner. 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.

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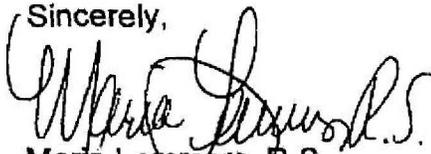
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If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
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cc: Jerry Lanich, St. Clair Township Zoning Department
Chief Environmental Services, Butler County Health Department

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