



**Environmental
Protection Agency**

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

May 2, 2012

CERTIFIED MAIL

Mr. Roger Mumpower
Hines Builders Inc.
P.O. Box 414
Troy, Ohio 45373

**RE: Notice of Violation - Open Dumping
Property Located at 1527 Lytle Road, Miami County**

Dear Mr. Mumpower:

On April 19, 2012, Betty Arthungal and Jill Olberding, of the Ohio EPA, Division of Materials and Waste Management (DMWM), conducted a site visit at the above referenced property to inspect ongoing violations that continue to exist as originally documented during the September 23, 2010 inspection. These violations were documented again during the June 23, 2011 inspection. The site visit on April 19, 2012, was to determine if the debris (solid waste), scrap tires and drums at the property noted during the June 23, 2011 inspection, were removed from the property and properly disposed of. We observed that debris materials, one 55-gallon drum, and several containers of waste, continue to be stored illegally and therefore this property is in violation as follows:

Be advised that your property (Parcel Numbers C06-057000, C06-057100) is the site of open dumping of solid waste and remains in 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 Ohio Administrative Code (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

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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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."

1. There continues to be debris (solid waste) remaining on the ground and scattered among vegetation at the property, including scrap tires. Currently a tarped scrap tire pile and miscellaneous tires were visible in the vegetation. Some tires were found holding water.

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. Several scrap tires on the property were observed to have water in them. The owner's failure to keep the tires free of water is a violation of OAC 3745-27-60(C)(1)(b) which states in part:

"Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time."

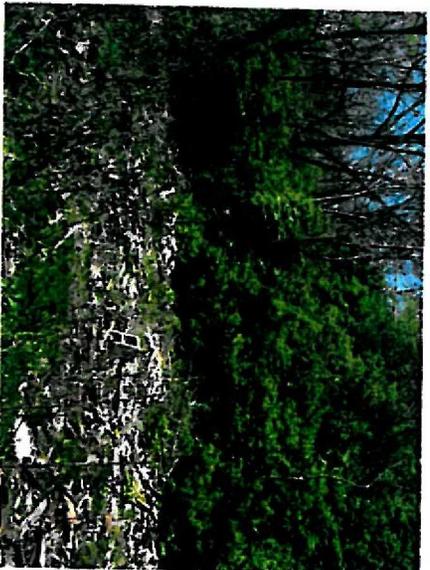
This letter serves to inform you that the tires on your property must be removed for proper disposal at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office, (Attn: Betty Arthungal), 401 E. Fifth St., Dayton, Ohio 45402-2911.**

As a reminder, scrap tires can only legally be hauled in loads of 10 (ten) or fewer scrap tires or in any number by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

"Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers."

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Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.



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2. Several containers and one 55-gallon drum are still stored on-site.

These containers need to be properly characterized to facilitate proper disposal. Along with the 55-gallon drum, the smaller containers also need to be evaluated. Please provide a list of the smaller containers documenting their contents and whether the material is a usable product or if it will be disposed. As noted in Cathy Altman's October 8, 2010, Notice of Violation letter, failure to properly evaluate waste on-site continues to be a violation of OAC 3745-52-11. To return to compliance, properly characterize and dispose of the remaining waste. **Please provide the list of containers and documentation of proper disposal of the waste containers to Ohio EPA, Southwest District Office, (Attn: Betty Arthungal), 401 E. Fifth St., Dayton, Ohio 45402-2911.**



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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 a reminder, 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. **Please respond to this Notice of Violation within 14 days of receipt with a detailed plan and schedule for corrective action.** If you have any questions, please contact me at (937) 285-6048.

Sincerely,

A handwritten signature in blue ink that reads "Betty Arthungal". The signature is cursive and includes a large, looping flourish at the end.

Betty Arthungal
Environmental Specialist II
Division of Material and Waste Management

BA\bp

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MAILED **OFFICIAL MAIL USE** *May 2, 2012*

7007 0220 0001 2491 5741

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

*From: Kathy J.
5-2-12
rec'd - Betty A. Thayer*

Postmark
Here

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

**MR ROGER MUMPOWER
HINES BUILDERS INC
PO BOX 414
TROY OH 45373**

SENDER: COMPLETE THIS SECTION

- 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 ROGER MUMPOWER
HINES BUILDERS INC
PO BOX 414
TROY OH 45373**

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) *SCOTT RASKIN*

C. Date of Delivery *5-3-12*

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 5741**