



Environmental
Protection Agency

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

Re: Defiance County
Open Burning Complaint
Notice of Violation

March 4, 2011

CERTIFIED MAIL

Scott & Kimberly Haver, Property Owners
Scott Haver Realty
305 Lane 280a Hamilton Lake
Hamilton, Indiana 46742

Dear Mr. & Ms. Haver:

This office received a complaint on February 28, 2011, concerning open burning being conducted on property you both own at 12355 State Route 49 in Hicksville, Ohio and was investigated by Mr. Chad Winebrenner and myself. Our investigation, conducted on March 2, 2011, shows that your business cleans our houses that were acquired by banks for resale. The waste materials from the houses is brought back to the lot adjacent to the address above (Defiance County Parcel# E200033000200) and burned for disposal. Most of the burned off metal is reclaimed and recycled for profit. In the southeast corner of that lot multiple piles and one open ended metal tank have been used to burn the following materials for disposal: approx 25-30 one gallon paint cans, aerosol cans, steel cans, aluminum cans, aluminum roaster pans, hangers, cardboard, wooden furniture (pressboard type), household trash with plastics, garbage, construction and demolition debris, plastics toys, Formica mattresses, 1-2 tires and shingles.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of OAC rule 3745-19-03(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. Also, it is your responsibility to clearly communicate the open burning rules to your tenants and/or employees, as it is ultimately your responsibility to ensure that future violations do not occur on your property. Be aware that future violations of Ohio's open burning rules on any property you own or control will result in this office recommending elevated enforcement, which would include, but is not limited to, a fine. This office would suggest the removal of the piles and the metal container from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations. Finally, please be aware that this matter will also be referred to Ohio EPA's Division of Solid and Infectious Waste Management for matters related to open dumping.

Scott & Kimberly Haver, Property Owners
March 4, 2011
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Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur on any property you own or control within the State of Ohio. Your response should be received by this agency no later than March 21, 2011.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/lr

Enclosure

pc: Defiance County Health Department
Certified Mail Receipt Number 7009 1410 0001 1840 1478

ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Chad Winebrenner, DAPC - NWDO

Re: Defiance County
Open Burning Complaint
Notice of Violation

March 5, 2011

CERTIFIED MAIL

Scott & Kimberly Haver, Property Owners
Scott Haver Realty
305 Lane 280a Hamilton Lake
Hamilton, IN 46742

Dear Mr. & Ms. Haver:

This office received a complaint on February 28, 2011, concerning open burning being conducted on property you both own at 12355 State Route 49 in Hicksville, Ohio and was investigated by Mr. Chad Winebrenner and myself. Our investigation, conducted on March 2, 2011, shows that your business cleans our houses that were acquired by banks for resale. The waste materials from the houses is brought back to the lot adjacent to the address above (Defiance County Parcel# E200033000200) and burned for disposal. Most of the burned off metal is reclaimed and recycled for profit. In the southeast corner of that lot multiple piles and one open ended metal tank have been used to burn the following materials for disposal: approx 25-30 one gallon paint cans, aerosol cans, steel cans, aluminum cans, aluminum roaster pans, hangers, cardboard, wooden furniture (pressboard type), household trash with plastics, garbage, construction and demolition debris, plastics toys, Formica mattresses, 1-2 tires and shingles.

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If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

/

Enclosure

pc: Defiance County Health Dept.
ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Chad Winebrenner, DAPC - NWDO



Environmental
Protection Agency

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

Re: Defiance County
12355 State Route 49 Property
DMWM Case # 11-14
Notice of Violation

May 17, 2011

Certified Mail 7009 1410 0001 1840 1904

Mr. Scott Haver
305 Lane 280A Hamilton Lake
Hamilton, Indiana 46742

Dear Mr. Haver:

On March 2, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Air Pollution Control (DAPC) investigated illegal open burning at your property located at 12355 State Route 49, Hicksville, Ohio 43526. As a result of the investigation DAPC determined that illegal burning was taking place on the property and a notice of violation was sent to your attention on March 4, 2011. Additionally, due to the nature of the issues observed during the inspection DAPC forwarded the case on to the Division of Materials and Waste Management (DMWM).

On May 3, 2011, I, representing Ohio EPA, DMWM conducted an inspection at the 12355 State Route 49 property. I was accompanied by Tyler Madeker, also with DMWM. You were not at the property at the time of the inspection; however, a tenant who rents the property was present and granted access to complete an inspection. During the inspection it was observed that a significant amount of material had been burnt in a burn pile located in the eastern portion of the property. Information gathered from DAPC's investigation indicated that you clean out homes that you rent and for "banks". Once the materials are removed from the homes, materials that cannot be used are transported to the 12355 State Route 49 property and are burnt for disposal.

On May 13, 2011, I spoke with you over the phone, in an effort to collect additional information. During our phone conversation you indicated that this was an activity that you had done previously and no longer had any intention of disposing of materials in this manner. You indicated that the ash material would be clean up and properly disposed, and that you would provide me with photographs documenting proper disposal. Additionally, as we discussed, attached is a "Before You Light It..." guidance document that outlines Ohio EPA's open burning regulations.

Mr. Scott Haver
May 17, 2011
Page Two

Notice of Violations of Ohio Laws and Rules

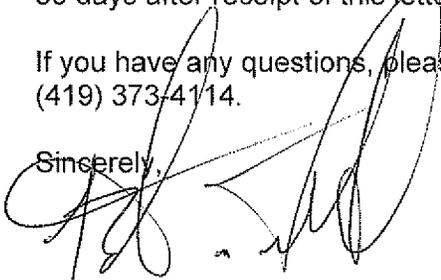
Ohio Revised Code (ORC) Section 3734.03 states, "No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping."

By disposing of solid waste by open burning and/or burying you are in violation of ORC 3734.03.

You must cease disposing of solid waste by burning and/or burying immediately; failure to do so may result in escalated enforcement action. Additionally, all ash and residual burnt material generated from the incident must be removed and properly disposed of at a municipal solid waste landfill. Photos documenting proper disposal must be sent to my attention at 347 N. Dunbridge Road, Bowling Green, Ohio 43402 or to brent.goetz@epa.state.oh.us no later than 30 days after receipt of this letter.

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.
Environmental Specialist
Division of Materials and Waste Management

/cs

Enclosures

pc: File:DMWM-SW, Defiance County, Dump Sites

ec: Mike Reiser, NWDO, DMWM
Tom Cikotte, NWDO, DAPC

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Defiance	2.28.11	3.2.11
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: ANONYMOUS
TELEPHONE <u>X</u>	INDUSTRIAL <u> </u>	HPF	SUSPECTED SOURCE OF EMISSIONS: Scott Haver Property Owner 12355 SR 49 Hicksville, OH 43526 419.769.9240 – cell 419.487.4990 - Kimberly Mailing: 305 Lane 280a Hamilton Lake Hamilton, IN 46742
VISIT <u> </u>	PARTICULATE <u> </u>		
LETTER <u> </u>	ODOR <u> </u>		
DCN <u> </u>	FUGITIVE DUST <u> </u>		
E-MAIL <u> </u>	OPEN BURNING <u>X</u>		
OTHER <u> </u>	OTHER <u> </u>		
STATEMENT OF COMPLAINANT: Property owner has this land and rents out the house to a gentleman named Harold Grimes. Grimes plays no part in this, however, he is aware of the situation as well. Caller alleges that Haver runs a business where he “cleans out” foreclosed homes. He is paid by banks to remove waste and unwanted debris from the properties and dispose of it in dumpsters, however, he saves money by bringing most, if not all, of it back to this property and burning it. He brings back furniture, mattresses, couches, TVs, kids toys, etc. he removes the scrap metal and leaves the rest in this big pile near the SE corner of the property, behind a building. They usually bring stuff back a few times a week and burn about once a week. The last time they burned was a few days ago at 1 am, after dropping stuff off from a job in Lima, OH.			
STATEMENT OF SOURCE OPERATOR: Mr. Haver admits that they do clean out houses for banks and that they “bring stuff from the other places back and burn it.” He stated that he had no idea that this practice was not allowed. He stated “well that’s how everybody does it”. When told that this was a practice that he must discontinue immediately he seem surprised. When told that he must dispose of materials properly, either to a landfill or in a dumpster service he said “They barely pay enough to make it worth it burnin’ it. It’s gotta go to landfill?...”			
FINDINGS: JUSTIFIED <u> X</u> NOT JUSTIFIED <u> </u> CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV		DATE OF WRITTEN FOLLOW UP <u> </u>3.4.11	
CORRECTIVE ACTION AGREED TO BY SOURCE: None.			
COMMENTS: Identified three burn sites in the same general area on SE corner of the property south of the residence (E200033000200). Two separate piles exist and one is next to an old oil tank tipped up on its side with the end removed. The tank contained signs of HHTw/P, misc metal parts, aluminum roaster pans, al cans, aerosol cans and paint cans, as did the smaller pile which was about 6’ in dia and 2’ deep. The larger pile was approximately 20’ x 15’ and contained the following, or evidence of the following: approx 20-25 gal paint cans, aerosol cans, steel cans, aluminum cans, hangers, cardboard, wooden furniture (pressboard type), HHTw/P, toys, C&DD, plastics toys, Formica mattresses, 1-2 tires and shingles.			

INVESTIGATOR(S): TCC

DATE RESOLVED: 3.4.11

Buy - Sell - Trade
* Anything - *

419-769-9240

419-769-9240

419-769-9240

419-769-9240

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in particular -

ask - we have
it or can get it for
you.

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Windows

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in particular -

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you.

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Wood Trim

Doors

Windows

Paint

Furniture

Appliances

Just a Few of the things
we have available

Scott 419.769.9240

JOHN 419.406.0010



Call

NEED
Something