

Butler County  
Health Dept  
Gen. Cons.



State of Ohio Environmental Protection Agency

Southwest District

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Dayton, Ohio 45402-2911

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

July 31, 2007

Mrs. Regina Morgan  
5131 Brandy Lane  
Hamilton, Ohio 45011

**Re: Notice of Violation - Open Dumping/Open Burning  
Property located at 5131 Brandy Lane, Butler County**

Dear Mrs. Morgan:

On July 12, 2007, I, representing the Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), met with you to conduct a follow-up inspection of the property located at 5131 Brandy Lane, Hamilton, Ohio 45011. The purpose of this follow-up inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734. During the inspection, I was accompanied by Monte Bluebaum, Ohio EPA-DSIWM.

During the July 12, 2007 inspection Ohio EPA was informed that you just recently purchased the property from Nation Star Mortgage LLC.

In a letter dated January 29, 2007 Ohio EPA sent Nation Star Mortgage notification that open dumping and open burning violations were present on the aforementioned property (see attached letter). On January 8, 2007, I conducted a comprehensive inspection of the property as a response to a complaint received by Ohio EPA, Division of Solid and Infectious Waste Management.

During my inspection on July 12, 2007, I observed the following:

1. Miscellaneous solid waste and construction and demolition debris (see Figures 1, 2, and 3) including, but not limited to: mattresses, beer cans, household garbage, bottles, paint cans, concrete ready mix, bags of rock salt, bicycles, bathtub, lawn chairs, yard tools, wheel barrel, metal ladder, plastic five-gallon buckets, plastic bags, two lawnmowers, plastic trash cans, plastic dog house, plastic tubing, car parts, corrugated piping, wooden interior doors, furniture foam, have been dumped and have been partially burned behind the house and along the side of the yard.



Figure 1(Left) and Figure 2(Right): Miscellaneous solid waste dumped behind home on property



Figure 3: Misc. solid waste dumped on property (paint cans, household hazardous waste, food waste, etc.)

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.**

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”.**

In addition, the open burning of solid waste is in violation of OAC Rule 3745-27-05(B) and ORC Section 3734.03, and the open burning of demolition debris is in violation of OAC Rule 3745-400-04 and ORC Section 3714.02.

Disposal of C&DD along the rear of the property 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...”**

This 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”.**

2. Miscellaneous solid waste including but not limited to: a scrap tire, a car battery, pipes, electrical wiring, scrap metal and car parts were dumped on the ground in the front side yard next to the driveway (see Figures 4, 5, and 6).



Figure 4: Misc. solid waste –Battery, car part, wiring, etc.

Figure 5: Scrap tire next to driveway



Figure 6: Misc. solid waste dumped on property next to driveway

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The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. 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). **Receipts documenting proper disposal will need to be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and**

**Infectious Waste Management (DSIWM) and a reinspection scheduled to verify that the clean up is complete to document your return to compliance with Ohio Law.**

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 such, corrections of the violations cited herein are expected to begin immediately.

Please respond in writing within fourteen days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

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: Brian Richards, Butler County Health Department

Enclosure: Copy of Notice of Violation letter dated January 29, 2007 to Nation Star Mortgage, LLC.

ML/rif