

**Environmental
Protection Agency**

Jeff Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korfusik, Director

November 10, 2010

Neal Brothers Inc.
1920 W Eldean Road
Troy, Ohio 45373

RE: Notice of Violation- Open Dumping
Field located off Lytle Road, Miami County
Parcel Number C06-057200

Dear Neal Brothers Inc.:

On November 1, 2010, I representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM), met with you to conduct a follow-up of the September 23, 2010 inspection at the above referenced property. 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) 3745 and discuss possible remedies to obtain compliance.

During the discussion we talked about the various waste types and how to separate the brush that seems to be the primary problem. Currently brush is being placed in a ravine at the back of the property. OAC Rule 3745-400-03(A) states in part, "Pursuant to Chapter 3714. of the Revised Code, Chapters 3745-400 and 3745-37 of the Administrative Code shall not apply to ... Any construction site where construction debris and trees and brush removed in clearing the construction site are used as fill material on the site where the materials are generated or removed." **Due to the fact that the field is not a construction site this practice must cease for future brush.** Please cease future placement of brush in the ravine. If you wish to fill the ravine place clean dirt or submit a notice of intent to fill to my attention prior to placing concrete.

You mentioned stockpiling brush from fence clearing and using a tub grinder and land applying the mulched wood. This is acceptable per OAC 3745-27-03(A)(14) which states, "Land application of yard waste for incorporation into soil for purposes including, but not limited to, use as a soil amendment, agricultural and horticultural

Notice of Violation
Lytle Road, Miami County
Page 2 of 5

applications, or land reclamation, is not subject to the requirements of rules 3745-27-40 to 3745-27-47 and Chapters 3745-28 and 3745-37 of the Administrative Code provided that such land application does not create a nuisance or health hazard in the judgement of the health commissioner or the director."

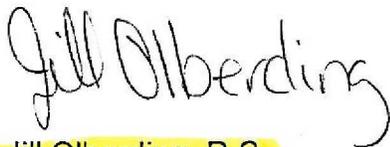
Any waste in the ravine currently other than yard waste must be removed and receipts provided of legal disposal. You may cover the existing yard waste in the ravine or remove for land application after brush is mulched, but as stated future brush even if generated on the property must not be used as fill material.

Please respond in writing within 15 (fifteen) days of receipt of this correspondence regarding your remedy and implementation schedule.

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) 285-6094.

Sincerely,



Jill Olberding, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

JO/ca