

Butler Co.
Lural



State of Ohio Environmental Protection Agency

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

August 4, 2008

CERTIFIED MAIL

Sunjeet Bilahi
8543 Deerpath
West Chester, OH 45069

SUBJECT: NOTICE OF VIOLATION

Dear Mr. Bilahi:

On August 4, 2008, I investigated a complaint pertaining to the alleged improper disposal of construction and demolition debris (C&DD) and solid waste items, located on your rental property at 7374 Maud Hughes Road.

During the investigation, I spoke with your tenant, Lonnie Griffis, and he and I walked onto the back yard of the property located at the end of the driveway, behind a barn. I observed a pile of C&DD in front of the fill area.

In the fill area, I noticed primarily hard fill, however, I did observe C&DD, including, but not limited to, wooden boards. I also observed solid waste, including, but not limited to, brush, plastic and disposable cups, mixed into the fill. Clean hard fill may be accepted as long as it is managed in accordance with Ohio Administrative Code, guidance is provided at the end of this letter. C&DD and solid waste are prohibited at an unlicensed fill site. I spoke with you on Mr. Griffis' telephone and you advised me that you could properly dispose of the prohibited material within one month's time of my visit.

During my investigation, and after speaking with you on the phone, a small dump truck, containing a load of roofing shingles, pulled into the dump site. I informed the driver that the load contained materials that are prohibited from using as fill material at an unlicensed fill site. I advised him that the material should be taken to a licensed landfill and a copy of the receipt would be needed for purposes of documenting proper waste disposal.

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 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

The open dumping of solid waste is a violation of:

ORC Section 3734.03 which states in part:

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...

ORC 3734.05(A)(1), which states:

Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

OAC Rule 3745-27-05(A), which states in part:

Disposal of solid waste under Chapter 3734 of the Revised Code shall only be by the following methods or combination thereof:

(1) Disposal at a sanitary landfill facility licensed in accordance with section 3734.05 of the Revised Code.

(2) Incinerating at an incinerator licensed in accordance with section 3734.05 of the Revised Code.

(3) Composting at a composting facility licensed or registered in accordance with section 3734.05 of the Revised Code...

OAC Rule 3745-27-05(C), which states:

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.

[Comment: Prompt removal and disposal of solid waste does not relieve any obligations under state or federal environmental statutes. This may include environmental clean-up of the site and/or remediation of ground water contamination resulting from the open dumping.]

Unauthorized disposal of C&DD is a violation of:

OAC 3745-37-01(C), which states:

No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority except as otherwise specified in this rule.

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.

ORC Section 3714.06(A), which states in 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...

ORC 3714.99, which states:

Whoever knowingly violates section 3714.13 of the Revised Code is guilty of a misdemeanor of the second degree. Each day of violation is a separate offense.

ORC 3734.99, which states:

Except as otherwise provided in divisions (B), (C), (D), (E), (F), (G), and (H) of this section, whoever recklessly violates any section of this chapter, except section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], 3734.574 [3734.57.4], or 3734.60 of the Revised Code, recklessly violates section 3734.03 of the Revised Code with regard to scrap tires, or recklessly violates an order issued under division (B)

of section 3734.13 of the Revised Code regarding a violation of the provisions of this chapter governing scrap tires, is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both. Whoever violates section 3734.025 [3734.02.5], 3734.18, 3734.57, 3734.572 [3734.57.2], 3734.573 [3734.57.3], or 3734.574 [3734.57.4] of the Revised Code shall be fined not more than ten thousand dollars. Each day of violation constitutes a separate offense.

Corrective Actions

Immediately cease the acceptance and disposal of Solid Waste and C&DD. All Solid Waste and C&DD dumped at the site must be removed and properly disposed of at an appropriately licensed facility within 30 days of receipt of this letter. Provide the Ohio EPA with a copy of all waste receipts from the disposal of the solid waste and C&DD. Please send the receipts to:

**Ohio EPA
401 East 5th Street
Dayton, OH 45402
Attn. Monte Bluebaum**

I will need to reinspect the site after you correct the violations listed in this letter. If you prefer, you may provide me with receipts when I reinspect the property.

Please call me immediately after the corrective actions have taken place in order to set a reinspection date.

Clean hard fill may be accepted as long as it is managed in accordance with Ohio Administrative Code (OAC) Rule 3745-400-05.

OAC Rule 3745-400-05(C) states in part:

The person responsible for causing clean hard fill to be used in legitimate fill operations for construction purposes or to bring the site up to a consistent grade, on a site other than the site of generation, shall provide a written "Notice of Intent to Fill" to each licensing authority where the clean hard fill is to be placed. The Notice of Intent to Fill shall state the nature of the fill material, the site(s) to be filled, when filling will begin and end, and the telephone number of the notifier. The notification shall be received by each local licensing authority with sites to be filled, at least seven days prior to filling as required by division (F) of section 3714.13 of the Revised Code. The notifier shall provide a new Notice of Intent if there are any changes in the information required by this rule for notification.

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The notice of intent must include the following information:

1. The nature of the fill material
2. The site of generation or removal
3. The site(s) to be filled
4. When filling will begin and end
5. The telephone number of the notifier.

For your convenience, a "Notice of Intent to Fill" form is included with this letter.

Photos of the fill area, taken during the investigation, are provided below:



001: C&DD & misc. solid waste



002: C&DD & hard fill



003: brush & hard fill



005: C&DD, solid waste & hard fill

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Compliance with the requirements outlined in this letter of the solid and infectious waste provisions contained in ORC Chapter 3734, and the rules promulgated there under, does not relieve you of your obligation to comply with other applicable State and Federal laws and regulations.

If you have any questions, please contact me at (937) 285-6647 or e-mail me at monte.bluebaum@epa.state.oh.us.

Thank you for your time and consideration, regarding this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Monte Bluebaum".

Monte Bluebaum, R.S.
Ohio EPA, Division of Solid and Infectious Waste Management

cc: Butler County-Chief of Environmental Services
File

MB/mab

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Sent To
Sunjeet Bilahi

Street, Apt. No.,
or PO Box No. **8543 Deerpath**

City, State, ZIP+4
West Chester OH 45069

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> <i>John S. Nalk</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery 10/8/07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>SUNJEET BILAH 8543 DEERPATH WEST CHESTER OH 45069</p> </div>	<p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7003 0500 0002 4411 1020</p>
PS Form 3811, August 2001	Domestic Return Receipt 102595-02-M-1540