Ohio | Environmental Protection Agency

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

March 22, 2011

Mr. John Miller
6720 Dubonnett Way
Indianapolis, Indiana 46278-1542

Re: **Rochester Hills Mobile Home Park Complaint, Open Dumping of Solid Waste, Butler County**

Dear Mr. Miller,

On March 11, 2011, I visited Rochester Hills Mobile Home Park, located at 5300 Hamilton-Middletown Road, Middlet own, Ohio, in response to a complaint of open dumping of Solid Waste at the location mentioned above. Specifically, specifically, open dumping that has occurred behind the home located at 19 Stamford Court. The purpose of this investigation was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During our complaint investigation, it was discovered that there was open dumping of solid waste on the property potentially creating an un-licensed solid waste facility.

Disposal of solid waste in an unlicensed solid waste facility constitutes open dumping and places you in violation of the following Solid Waste Laws and Regulations. The following violations are being cited as a result of my investigation:

1) ORC Section 3734.01(I): Open Dumping

-This regulation 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.

a) It was determined that the facility had buried an unwanted pump barge which is a violation of Ohio Revised Code (ORC).

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

2) OAC Section 3745-27-05(C), Open Dumping:

-This regulation 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".

a) By open dumping solid waste on your property, you have created an illegal disposal facility.

3) ORC Section 3734.02(C), Establishing a Solid Waste Facility Without a Permit

-This regulation requires a facility to have a permit, and states in part:

"Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director, except that no permit shall be required under this division to install or operate a solid waste facility for sewage sludge treatment or disposal when the treatment or disposal is authorized by a current permit issued under Chapter 3704. or 6111. of the Revised Code".

a) By open dumping solid waste on the property, you have been operating and maintaining a solid waste facility without a permit.

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of C&DD. As such, acceptance of material on the property must cease immediately and corrections of the violations cited herein are expected to begin immediately.

- This letter serves to inform you that the solid waste dumped on your property must be removed for proper disposal (E.g., solid waste in a licensed sanitary landfill) and must be taken to a licensed facility.

- Please provide, at a minimum, a time frame for removal of all debris and an action plan for the removal. The plan must also contain the location of the licensed facility where debris will be taken for proper disposal. The plan must also contain milestones projecting completion of work by day and/or week.

- Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) at the letterhead address.

- A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.

Please respond in writing within thirty (30) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

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) 285-6648.

Sincerely,

Pat Willoughby, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

PW/ca