



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

November 16, 2012

Ms. Faith Elkins
2848 Hamilton Mason Road
Hamilton, Ohio 45015

Mr. Greg Vance
6291 Hillgale Lane
Hamilton, Ohio 45011

**RE: 2848 Hamilton Mason Road, Butler County
Notice of Violation-Open Dumping**

Dear Ms. Elkins:

On October 18, 2012, Pam Hull & I representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM) met with your tenant Greg Vance in response to a complaint of open dumping on your property located at 2848 Hamilton Mason Road, Fairfield Township, Butler County, Ohio (PARCEL ID#: A0300-059.000-018 & A0300-059.000-019). Accompanying us during the inspection were Terry Sanner with Ohio EPA's Division of Air Pollution Control and Robert McIntyre, Fairfield Township Zoning Inspector.

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) 3745, and 3714 Ohio's C&DD Regulations.

The following observations were made during this inspection:

- 1. Miscellaneous solid wastes (tarps, plastic bottles, etc.) were observed along the rear of the property beneath the shrubbery.

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".

The above violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A), which states:

"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code".

2. Construction and demolition debris (C&DD) including but not limited to roofing shingles, concrete and asphalt had been dumped into a drained swimming pool behind the home on the property.

Pursuant to OAC Rule 3745-400-01(F) C&DD is defined as, materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" does not include materials identified or listed as solid wastes, infectious wastes, or hazardous wastes pursuant to Chapter 3734. of the Revised Code and rules adopted under it; or materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or non-reinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.

Disposal of C&DD on 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".

Disposal of C&DD in an unlicensed facility places you in violation of the following Construction and Demolition Debris Laws and Regulations: ORC Section 3714.06(A),

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OAC Rule 3745-37-01(C), OAC Rule 3745-400-04(B), OAC Rule 3745-400-04, ORC Section 3714.02 and the violations of the ORC and OAC, constitute a violation of ORC 3714.13.

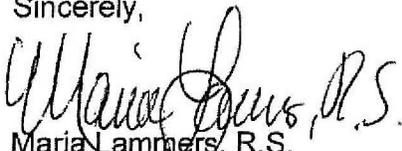
The Facility must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Documentation should be submitted to this office demonstrating abatement of existing violations. Please be advised that violations cited above will continue until the violations have been properly abated.

Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the city of Wilmington is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please feel free to contact me at 937-285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist II
Division of Materials and Waste Management

Enclosures: Ohio EPA's C&DD Facility List

cc: Robert McIntyre, Fairfield Township Zoning