



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

March 19, 2013

**CERTIFIED MAIL**

Mr. Roger Mumpower  
Hines Builders Inc.  
P.O. Box 414  
Troy, Ohio 45373

**RE: Notice of Violation - Open Dumping  
Property Located at 1527 Lytle Road, Miami County**

Dear Mr. Mumpower:

On February 21, 2013, Maria Lammers and Betty Arthungal, of Ohio EPA, Division of Materials and Waste Management (DMWM), conducted a site visit at the above-referenced property to inspect violations originally documented by this office during a September 23, 2010 inspection. These violations were also documented during June 23, 2011, April 19, 2012, September 12, 2012 and November 21, 2012 inspections.

On December 31, 2012, a Notice of Violation (NOV) was sent to you via certified mail. Mr. Scott Raskay of Hines Builders responded with a fax dated January 14, 2013, that stated work would begin when weather conditions allowed and site conditions were favorable for equipment. He agreed to meet representatives of this office onsite to walk the site and determine the scope of work remaining to clean up this property.

During the February 21, 2013 inspection, Mr. Raskay walked the site with Maria Lammers, including areas that were previously inaccessible due to thick vegetative overgrowth. Additional debris was observed which includes, but is not limited to, construction and demolition debris material, municipal solid waste, scrap tires, and scrap metal. The inspector observed more scrap tires than were originally documented in previous inspections. Scrap tires were scattered and partially buried throughout the grounds, including the thickly wooded areas not previously accessible.

**This property continues to be in violation of the following regulations:**

1. Be advised that your property (Parcel Numbers C06-057000, C06-057100) is the site of open dumping of solid waste and remains in 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...”*

2. Open dumping is also a violation of Ohio Administrative Code (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.”*

3. Scrap tires were observed dumped along the property within the brush and piles of scattered debris. Some tires were holding water while others were partially buried. Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. The property owner's failure to properly store and handle scrap tires are a violation of OAC Rule 3745-27-60 and OAC Rule 3745-27-60(B)(1), which states in part:

*“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:*

*Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored.”*

The owner's failure to keep the tires free of water is also a violation of OAC 3745-27-60(C)(1)(b) which states in part:

*“Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time.”*

4. Additional scrap tires were observed partially buried along the hillside of the property. The partial burial of tires with soil and leaves on the property adjacent to the creek is a violation of OAC Rule 3745-27-60(B)(5) which states in part:

*“Scrap tires shall not be covered with soil.”*

As a reminder, the scrap tires must be hauled by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

*“Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers.”*

Improper storage of scrap tires poses several potential problems for the local residents, environment and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

5. The above violations of the ORC and the OAC constitute a violation of ORC Section 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”.*

6. Several drums were observed amongst the debris within the wooded area that had not been previously accessible. One of the drums had bulging sides while others were partially buried and some were crushed.

*As a reminder, if the waste was generated by a business, you must comply with Ohio Administrative Code (OAC) Rule 3745-52-11. OAC Rule 3745-52-11 states, “Any person who generates a waste, as defined in 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste.” Should the waste be determined to be hazardous, it must be managed and disposed in accordance with applicable hazardous waste generator requirements found in OAC Chapter 3745-52.*

7. 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".*

The above violations of the ORC and the OAC, constitute a violation of ORC Section 3714.13, which states:

*"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3714 of the Revised Code".*

**Mr. Roger Mumpower and Hines Builders Inc.'s failure to comply with all applicable laws and regulations is a very serious matter. As discussed with Mr. Raskay, continued lack of response and cooperation will result in this case being referred to the Ohio EPA-Central Office for escalated enforcement action.**

Please respond to this Notice of Violation immediately to advise this office when the corrective actions will be completed to abate these violations. The response should include a detailed scope of work with a proposed schedule. Please inform Maria Lammers in advance of beginning the work so that she can be present onsite when the clean-up activities are occurring. As a reminder, receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office, DMWM, Attn: Maria Lammers at the letterhead address.

- This NOV letter serves to inform you that the solid wastes, scrap tires and C&DD on your property must be removed and must be taken to a licensed facility for proper disposal.
- Please characterize and properly dispose of all drummed waste and chemicals onsite in accordance with Ohio's Hazardous Waste Regulations
- 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.
- A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance with Ohio Law.

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 you from 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,

Hines Builders Inc.  
Notice of Violation – Open Dumping  
March 19, 2013  
Page 5

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) 285-6046 or via email at [maria.lammers@epa.ohio.gov](mailto:maria.lammers@epa.ohio.gov).

Sincerely,



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



Betty Arthungal, R.S.  
Environmental Specialist II  
Division of Materials and Waste Management

ML/tb



Miscellaneous solid waste (scrap tires, plastics, paint cans, corrugated piping) and C&DD



C&DD



Pallets, concrete, drums, oil containers, plastics



Metal tire rims and drum of automotive fluid



Scrap tires (some partially buried), plastic bucket, bottles, metal, fiberglass sheeting, and C&DD



Household garbage (Maalox medication bottle)



Miscellaneous solid waste (Used plastic 5 gallon buckets, paint cans) and C&DD



Miscellaneous solid waste (partially buried scrap tires, plastics, metals) and C&DD



C&DD (Buried plastic/rubber matting, concrete, rubber hoses)



Miscellaneous solid waste including but not limited to bottles, cans, metal, drums, tires, plastics, corrugated pipes, concrete w/rebar, brick and C&DD

| SENDER: COMPLETE THIS SECTION   | COMPLETE THIS SECTION ON DELIVERY  |
|---|--|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>                  | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Roger Mumpower</i> <input checked="" type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)<br/> <i>Roger Mumpower</i></p> <p>C. Date of Delivery<br/> <i>3/20</i></p>   |
| <p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <br/>           MR. ROGER MUMPOWER<br/>           HINES BUILDERS INC.<br/>           P. O. BOX 414<br/>           TROY, OHIO 45373         </div> | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/>         If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number<br/>         (Transfer from service label)</p>   | <p>7010 1060 0002 4250 3296</p>  |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>   |  |

U.S. Postal Service <sup>TM</sup>  
**CERTIFIED MAIL <sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

|  |    |                  |
|--|----|------------------|
| Postage  | \$ | Postmark<br>Here |
| Certified Fee  |    |                  |
| Return Receipt Fee<br>(Endorsement Required)   |    |                  |
| Restricted Delivery Fee<br>(Endorsement Required)  |    |                  |
| Total Postage & Fees   |    |                  |
| <div style="display: flex; align-items: center;">  <div style="border: 1px solid black; padding: 5px;"> <p>Sent To</p> <p>MR. ROGER MUMPOWER</p> <p>HINES BUILDERS INC.</p> <p>P. O. BOX 414</p> <p>TROY, OHIO 45373</p> </div> </div> |    |                  |
| <p>Street, Apt. No., or PO Box No.</p> <p>City, State, ZIP+4</p>   |    |                  |

PS Form 3800, August 2006

See Reverse for Instructions

7010 1060 0002 4250 3296