



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

January 24, 2013

**CERTIFIED**

Mr. Russell Foust  
A1 Septic Tank Service  
3801 Germantown Liberty Road  
Dayton, OH 45417

**RE: Reconnaissance Inspection Report and Notice of Violation**

Dear Mr. Foust:

This letter serves as the Reconnaissance Inspection Report and a Notice of Violation. On January 9, 2013, I participated in an inspection at 3801 Germantown Liberty Road in Montgomery County.

Mr. Brett Jones of Public Health - Dayton and Montgomery County, Deputy Victoria Dingee and Deputy Dave Ridgeway of the Montgomery County Sheriff's Office and I were present during the inspection. This letter will only address the findings of the Ohio Environmental Protection Agency and will not address other areas of concern not under the jurisdiction of the Ohio Environmental Protection Agency.

This inspection was performed to verify that the clean-up efforts had been completed per the letter from your father, Mr. Timothy Foust, dated December 12, 2012. In the letter, it was stated that the storage tanks were going to be emptied by December 28, 2012. When I contacted you on January 3, 2013, to schedule the inspection to verify the tasks had been completed, you informed me that due to illness and inclement weather not all of the waste material had been removed from the tanks.

Upon arriving at the site, we notified you of our intention to inspect the waste storage tanks and review the progress that had been made to empty the tanks. During the inspection on November 19, 2012, all three of the waste storage tanks were full. One of the waste storage tanks is used for the storage of waste grease and the other two storage tanks are used for the storage of septage. During the inspection on January 9, 2013, it was determined that the storage tank used for waste grease was approximately 25% full. The east septage storage tank appeared to be approximately 33% full and the west septage storage tank appeared to be 50% full. I have included with this letter copies of the pictures I took during the inspection. The pictures demonstrate the amount of waste material present in the waste storage tanks.

We discussed the circumstances that hampered your efforts to remove and properly dispose of the waste currently in the waste storage tanks. We also discussed the removal and disposal of the balance of the waste in the waste storage tanks. It was disclosed that the truck which was previously used to transport the waste grease to a facility in Washington Court House and the

Mr. Russell Foust  
January 24, 2013  
Page 2

septage to either the family farm or the Montgomery County Septage Receiving Station had been sold. You indicated that you would be working with your brother and father to determine when the balance of the waste materials would be removed from the tanks.

During the inspection you expressed interest in installing new waste storage tanks that complied with Ohio EPA requirements. I provided you with a copy of Ohio Administrative Code 3745-42-11 which outlines the design requirements for holding tanks. I also reminded you that a professional engineer would need to design the installation. We also discussed that the existing tanks should be emptied and removed before starting the project to install new waste storage tanks.

Please inform this office, in writing, within ten days of receipt of this notification the dates in which the following items will be completed:

1. The balance of the waste will be removed from the waste storage tanks.
2. The waste storage tanks and associated plumbing will be uninstalled.
3. Visible contamination will be removed from the waste storage tank area.
4. Manifests or receipts for all of the waste material that has been removed from the waste storage tanks will be available for review.

I would like to take this opportunity to remind you that the installation of the tanks was without an approved Permit to Install, which is a violation of Ohio Revised Code (ORC) 6111.44 and Ohio Administrative Code 3745-42-02. I would also like to remind you that the above-referenced records are required to be available for review upon request.

If you have any questions or concerns regarding this matter, please feel free to contact me at (937) 285-6107 or via email at [robert.ostendorf@epa.ohio.gov](mailto:robert.ostendorf@epa.ohio.gov).

Sincerely,

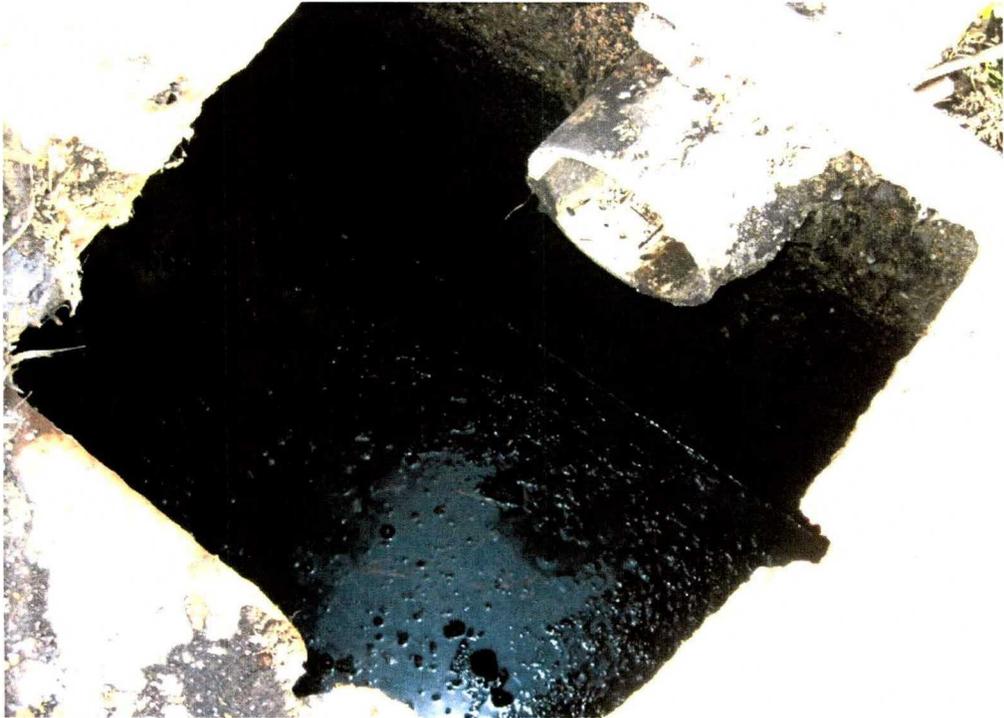


Bob Ostendorf Jr.  
Environmental Specialist  
Division of Surface Water

BO/kb

cc: Brett Jones, Public Health – Dayton & Montgomery County  
Deputy Victoria Dingee, Montgomery County Sheriff's Office  
Deputy Dave Ridgeway, Montgomery County Sheriff's Office  
Valdis Aistars, U.S. EPA

Pictures taken during January 7, 2013 inspection



East Septage Storage Tank





Grease Storage Tank



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

February 22, 2013

Mr. Russell Foust  
A1 Septic Tank Service  
3801 Germantown Liberty Road  
Dayton, Ohio 45417

Dear Mr. Foust:

On January 24, 2013, Mr. Bob Ostendorf sent you a Notice of Violation letter via certified mail. This certified letter was returned to the Ohio EPA Southwest District Office marked "Unclaimed, Unable to Forward."

Please find enclosed the original letter addressed to you and dated January 24, 2013.

If you have any questions, please feel free to contact Bob Ostendorf at (937) 285-6107.

Sincerely,

  
Barb J. Clary  
District Administrator

BJC/tf

RECEIVED  
OHIO EPA

FEB 19 2013

Southwest Dir

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**SENDER: COMPLETE THIS SECTION**

- 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.

1. Article Addressed to:

Mr. Russell Foust  
A1 Septic Tank Service  
3801 Germantown Liberty Road  
Dayton, OH 45417

2. Article Number  
(Transfer from service label)

7005 2570 0001 6229 3427

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

4. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail

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C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

English

Customer Service

USPS Mobile

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Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

Manage Your Mail

Shop

Business Solutions

# Track & Confirm

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PRINT DETAILS

**YOUR LABEL NUMBER**

70052570000162293427

**SERVICE**

**STATUS OF YOUR ITEM**

**DATE & TIME**

**LOCATION**

**FEATURES**

Unclaimed

February 09, 2013, 2:21 pm

DAYTON, OH

Certified Mail™

Notice Left

January 25, 2013, 1:57 pm

DAYTON, OH 45417

Arrival at Unit

January 25, 2013, 7:32 am

DAYTON, OH 45417

### Check on Another Item

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**Sent To** Mr. Russell Foust

**Street, Apt. No., or PO Box No.** A1 Septic Tank Service  
3801 Germantown Liberty Road

**City, State, ZIP+4** Dayton, OH 45417

PS Form 3800, June 2002 See Reverse for Instructions