



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

June 19, 2013

Mr. Gary Wogenstahl
JTF Construction, Inc.
4235 Mulhauser Rd.
Fairfield, Ohio 45014

**RE: JTF Construction, Inc., Butler County
Tire Complaint Inspection
Notice of Violation**

Dear Mr. Wogenstahl:

On May 24, 2013, I conducted a site visit at a property located at the intersection of Bobmeyer Road and Ramona Road in Fairfield, Ohio. The purpose of the visit was to investigate a complaint regarding the illegal burial of used tires. The complaint alleged that during the demolition of buildings, concrete and tires were buried on the property. At the time of my visit, you indicated that you would discuss the allegations with the employees who were working on the site. We met again on June 3, 2013 to discuss your findings. You stated that approximately seventy-five (75) tires were buried at the back of the property. During the June 3 inspection, you showed tires that were in a roll-off box and ready for disposal.

Scrap tires are defined as a solid waste. Therefore, the burial of used tires constitutes open dumping. The following violations are a result of the investigations.

Definitions

Solid waste is defined under Ohio Administrative Code (OAC) Section 3745-27-1(A)(23) and states in part:

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to garbage, scrap tires, combustible and noncombustible material, street dirt and debris...."

Open dumping is defined under Ohio Administrative Code (OAC) Section 3745-27-1(O)(4)(a) and states in part:

“The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility....”

Violations:

Open dumping of solid waste is a violation of the 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 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 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.”

Disposal of a solid waste in an unlicensed solid waste facility constitutes open dumping and places JTF Construction in violation of the solid waste laws and regulations mentioned above.

To come into compliance, you must comply with all applicable scrap tire management requirements as described in the Ohio Administrative Code, chapters 3745-27-54 thru 3745-27-79.

The Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) specifically prohibit open dumping of tires. This letter serves to inform you that the tires at the demo site located at the intersection of Bobmeyer Road and Ramona Road must be removed for proper disposal. Scrap tires must be disposed of at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office:**

**Ohio EPA, Southwest District Office
Attention Pat Willoughby
401 E. Fifth Street
Dayton, Ohio 45402-2911**

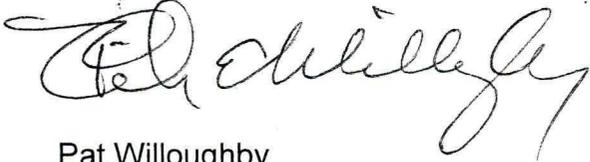
Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release or contaminants to the environment.

JTF Construction, Inc. – Tire Complaint Inspection
Notice of Violation
June 19, 2013
Page 3

Please correct these violations immediately and submit documented proof of the correction within fourteen (14) days of the date of this letter.

Should you require any technical or regulatory assistance, please feel free to contact me at (937) 285-6648.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat Willoughby".

Pat Willoughby
Environmental Specialist
Division of Materials and Waste Management

PW/tb

cc: Butler County

ec: SWDO File