



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

July 30, 2013

**CERTIFIED**

Mr. Timothy Foust  
A1 Septic Tank Service  
128 Saxon Cove  
Eaton, OH 45320

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

Dear Mr. Foust,

On July 23, 2013 I participated in an inspection at 3801 Germantown Liberty Road in Montgomery County. This letter serves as the Reconnaissance Inspection Report and a Notice of Violation.

Mr. Brett Jones and Mr. Kenton Domer-Shank of Public Health - Dayton and Montgomery County, and Deputy Victoria Dingee of the Montgomery County Sheriff's Office and I were present during the inspection. Your son Russell Foust of A1 Septic Tank Services was 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.

In a letter dated February 1, 2013, you stated that the storage tanks were going to be emptied by the end of February 2013. This inspection was performed to verify that the project to empty and remove the storage tanks had been completed.

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. Upon arriving at the site we notified Russell of our intention to inspect the waste storage tanks and review the progress that had been made to empty and remove the tanks.

Upon inspecting the waste grease tank it was obvious that the contents had been removed from the tank (see pictures). Russell said that the waste grease had been removed from the tank and was currently being stored on the blue tanker truck awaiting disposal. Based upon the tank gauge on the truck Russell estimated that approximately 3,000 gal of material was being stored on the truck. During the inspection it was also discovered that a perforated drainage tile appears to have been attached to the waste grease storage tank. Russell indicated that he did not know where the tile led because

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he was not involved in the installation of the tanks. When we inquired about the east and west septage storage tanks we were informed that they had been emptied and buried in place. Unfortunately we were unable to verify that the tanks had been emptied. Upon being made aware of this matter, we informed Russell that the east and west septage storage tanks would need to be excavated so they could be transported for proper disposal.

Russell and I discussed the circumstances that hampered the efforts to complete the project. He stated that you had recently experienced some equipment malfunctions and the equipment would need to be repaired. He also indicated that he was working with you and his brother to determine when the waste grease would be transported for proper disposal.

During the inspection Mr. Brett Jones and Mr. Kenton Domer-Shank requested copies of shipping records for the disposal of the materials which had been removed from the tanks. Russell indicated that he did not have the records but would be able to fax the paperwork maintained by his brother and the balance of the paperwork he would need to get from the Montgomery County Septage Receiving Station. It is my understanding that he will be faxing the records his brother maintains to Mr. Jones and Mr. Domer-Shank. It is also my understanding that Mr. Jones and Mr. Domer-Shank will be contacting the Montgomery County Septage Receiving Station directly to get copies of the disposal records they have on file.

During the inspection Russell expressed interest in installing new waste storage tanks that complied with Ohio EPA requirements. During the inspection which occurred on January 9, 2013, I provided Russell with a copy of Ohio Administrative Code 3745-42-11 which outlines the Ohio EPA requirements for the installation of a holding tank. At that time I also reminded Russell that a professional engineer would need to design the installation. If you or Russell would like additional information regarding the installation requirements for holding tanks I would encourage you to visit the following Ohio EPA website: <http://epa.ohio.gov/dsw/pti/index.aspx>.

During the conversation regarding the completion of this project Russell initially indicated that he would need an additional 60 days to complete the removal of the tanks and proper disposal of the waste grease. Upon further discussion Russell requested a period of 90 days to properly dispose of the waste grease and to complete the removal of the tanks.

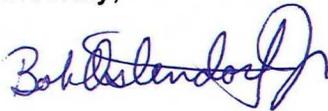
This situation was first brought to the attention of the Ohio EPA in November of 2012. At the close of the inspection I informed Russell that I will be performing an inspection of the site on or near November 1, 2013. If it is discovered that the project has not been completed then it will become necessary for the Ohio EPA to request that the U.S. EPA initiate an investigation.

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I would like to take this opportunity to remind you that the storage tanks was completed without the approval of the Director of the Ohio EPA 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 disposal 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: Mr. Brett Jones, Public Health – Dayton & Montgomery County  
Mr. Kenton Domer-Shank, Public Health – Dayton and Montgomery County  
Deputy Victoria Dingee, Montgomery County Sheriff's Office  
Mr. Valdis Aistars, U.S. EPA

Pictures taken during July 23, 2013 inspection

Grease Storage Tank





Tank truck load gauge



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MR. TIMOTHY FOUST  
 A1 SEPTIC TANK SERVICE  
 128 SAXON COVE  
 EATON, OHIO 45320

Street, Apt. No., or PO Box No.  
 City, State, ZIP+4

PS Form 3800, August 2006 See Reverse for Instructions

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MR. TIMOTHY FOUST  
 A1 SEPTIC TANK SERVICE  
 128 SAXON COVE  
 EATON, OHIO 45320

2. Article Number  
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