



State of Ohio Environment



STREET ADDRESS:

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P.O. Box 1049
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October 27, 2009

CERTIFIED MAIL

9171082133393109722922

Spencer Cheek
Oliver-Cheek Funeral Home
420 W Main Street
Ashville, Ohio 43103-1223

NOTICE OF VIOLATION

Dear Mr. Cheek:

On March 30, 2007 and again on September 5, 2008, you were sent notices of violation informing you that Oliver-Cheek Funeral Home was in violation of Class V Underground Injection Control (UIC) regulations by discharging industrial wastes (wastes generated by the Funeral Industry) to a septic system. You were notified in these letters that you were to cease discharge of the industrial wastes to the septic system immediately.

When contacted by Valerie Orr of my staff yesterday, you indicated that the holding tank for which you received a permit to install (PTI) from Ohio EPA's Division of Surface Water still had not been installed. You indicated that you were under the impression that you had eighteen (18) months from the issuance of the PTI to install the holding tank. Ms. Orr told you that the permit expires after eighteen months but that you were to have installed the holding tank immediately upon receipt of the PTI.

At a minimum, Oliver-Cheek Funeral Home is in violation of Ohio Administrative Code (OAC) Chapter 3745-34-11(A)(6) and **you are hereby notified that you must cease discharge of industrial wastes to the septic system.** You have had two and a half years in which to resolve this matter. If the holding tank is not installed immediately, then you must take some temporary action to collect these wastes for proper disposal.

Please be aware that enforcement action will escalate until this matter is resolved. Enforcement action may include Director's Findings and Orders which will include a suggested monetary penalty. Owners or operators of illegal and unpermitted disposal wells that fail to comply with Ohio's water pollution control laws and regulations are subject to civil penalties of up to \$25,000 under Ohio Revised Code Section 6111.99 plus the costs associated with meeting the terms and conditions of the Director's orders.

Within seven (7) days of receipt of this letter you must submit proof that the industrial discharge has ceased whether by installation of the permitted holding tank or by some other measure. Per OAC Rule 3745-34-17(D), the letter must include the following certification statement:

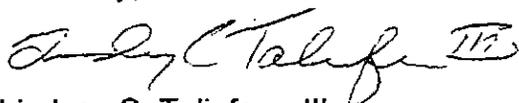
Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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"I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

If you have any questions concerning the requirements of this letter you may contact me or Valerie Orr at (614) 644-2752.

Sincerely,



Lindsay C. Taliaferro III
UIC Manager
Division of Drinking and Ground Waters

olivercheek.nov.doc

cc: Michael Baker, Chief, DDAGW
Valerie Orr, DDAGW
Jan Rice, DSW-CDO