



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

March 26, 2007

**RE: ADAMS COUNTY
SITE - JOHN ABBOTT DUMP
NOTICE OF VIOLATION**

Mr. John Abbott
45 Eastern Avenue
Peebles, Ohio 45660

Dear Mr. Abbott:

On March 14, 2007, I conducted an inspection of the property to determine compliance with Ohio's solid waste laws and with the Court Order that was issued to you on July 31, 2000, by the Adams County Court of Common Pleas and the Director's Final Findings and Orders (DFFOs) issued October 5, 2004, ordering the removal of the scrap tires.

During this inspection no one was available. I observed that approximately 17,200 scrap tires still exist on your property. I also observed that a large amount of solid wastes and construction and demolition debris still exists on your property. I did observe that you have filled a dump truck with scrap metal since my last inspection.

The Court Order filed July 31, 2000, orders you, the defendants to transport and dispose of all solid waste, construction debris and solid waste, said disposal shall be in the amount of two (2) truck loads per week, until all debris is removed from your property.

Further, the defendant shall immediately cease the transport and disposal of all solid waste, scrap tires and construction and demolition debris, except as transported and disposed of in accordance with law.

You are in violation of the Court Order by failing to transport and dispose of two truck loads of waste per week and by open dumping additional waste.

The Directors Final Findings and Orders issued on October 5, 2004, ordered you to remove the scrap tires within 120 days. You have failed to remove the scrap tires.

Please be advised that open dumping and open burning of solid waste is also a violation of Chapter 3745-27 of the Ohio Administrative Code (OAC) and Ohio Revised Code (ORC).

Specifically:

OAC 3745-27-05(C) - 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 responsible for the open dumping, the owner of the property, or the person who allows 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.

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

OAC 3745-27-60(A)(1) - Any person storing scrap tires, who is not otherwise required to obtain a registration certificate or a permit to install and a license for a scrap tire facility, shall comply with the requirements and operational criteria specified in this rule.

OAC 3745-27-60(B)(6)(a) - Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet.

You have scrap tire piles greater than this amount.

OAC 3734-27-60(B), 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 a fire hazard unless the tires are stored in accordance with specific standards set forth under Ohio Administrative Code 3745-27-60(B)(1)(10).

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.

I did observe that the scrap tires that exist on your property contained water and are providing a habitat for breeding mosquitoes.

OAC 3745-27-60(B)(8) - One or more of the following shall be done to control mosquitoes at the facility:

- (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times; or
- (b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, according to manufacturers' or formulators' recommendations. Pesticide or larvicide applications shall be made at no greater than thirty day intervals or other intervals recommended by the manufacturer or formulator. Records shall be kept at the facility indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date of the application, and the name of the person who applied the pesticide or larvicide.

You have not sprayed for mosquitoes.

ORC 3734.11(A) No person shall violate any section of this Chapter, any rule adopted

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under it, or any order issued under section 3734.13 of the Revised Code. You are in violation of the Court Order filed July 31, 2000, the Directors Final Findings and Orders issued October 5, 2004, and the above referenced rules. You must remove all solid wastes, scrap tires, and construction and demolition debris from your property and dispose of these wastes at an approved licensed facility, in accordance with the Court Order. The nearest facilities to you are Pike Sanitation and the Rumpke facility near Georgetown, Ohio. Please respond to me at this District Office within 15 days of receipt of this letter, to inform me of your intentions and actions taken to achieve compliance.

Should you have questions, please contact me at this office.

Sincerely,



Clint Shuff
Environmental Specialist, R.S.
Division of Solid and Infectious Waste Management

CAS/jg

cc: Robert Eubanks, Office of the Ohio Attorney General
cc: Carl Mussenden, DSIWM, CO
cc: Jason Work, Adams County Health Department
cc: Paul Braasch, Adams-Clermont Solid Waste Management District, 2379 Clermont
Center Drive, Batavia, Ohio 45103
cc: Karen Sapp, Office of Emergency Management, Adams County