



State of Ohio Environmental Protection Agency

Northeast District Office

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

August 1, 2008

CERTIFIED MAIL

Richard Marino
2714 Waynesburg Dr, SE
Canton, OH 44707

**RE: MILLERTON ROAD TIRE DUMP, STARK COUNTY
NOTICE OF VIOLATION (NOV)**

Dear Mr. Marino:

On July 29, 2008, I conducted a partial inspection of the property located on Millerton Road in Stark County. Accompanying me on the inspection were Lynn Sowers of the Ohio Environmental Protection Agency (Ohio EPA) Northeast District Office (NEDO) and Phil Revlock of the Stark County Health Department (SCHD). During the inspection it was determined that the property contained illegally deposited construction and demolition debris (C&DD) and solid waste including, but not limited to, yard waste, industrial waste, inoperative vehicles, and miscellaneous scrap metal. On the property we observed three to four piles of yard waste, at least two piles of industrial waste (foundry sand, slag, etc.), and at least one pile of C&DD. See Appendix A, Pictures 1 – 5.

Records maintained by the Stark County Auditor indicates that you own property known by parcel number 1300797. This property contains solid waste that has been illegally deposited on the ground and is in violation of the following:

Ohio Revised Code (ORC) Section 3734.02(C) states that *“...no person shall establish a new solid waste facility or infectious waste treatment facility, or modify an existing solid waste facility or infectious waste treatment facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director....”*

ORC Section 3734.03 states, in part, that *“No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection....”*

Richard Marino
August 1, 2008
Page 2

ORC Section 3734.05(A)(1) states, in part, that “no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.”

Ohio Administrative Code (OAC) Rule 3745-37-01(A) states that “No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district.”

OAC Rule 3745-27-05(C): states that “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, the owner of the property, or the person(s) who allow 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.”

The owner of the property is responsible to remove the solid waste currently on the property and to ensure that no additional waste is dumped on the property.

This property also contains C&DD that has been illegally deposited on the ground and is in violation of the following:

ORC Section 3714.06(A) states, in part, that “No person shall operate or maintain a construction and demolition debris facility without an annual construction and demolition debris facility operation license issued by the board of health of the health district in which the facility is located or...from the director of environmental protection.”

OAC Rule 3745-37-01(C) states, in part, that “No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority except as otherwise specified in this rule.”

OAC Rule 3745-400-04(B) states that “No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.”

Richard Marino
August 1, 2008
Page 3

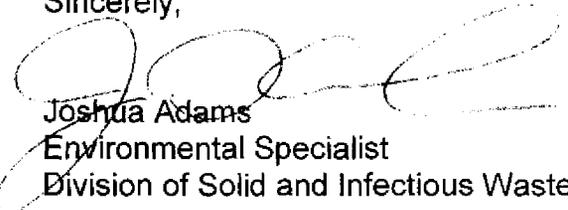
The owner of the property is responsible to remove the C&DD currently on the property and ensure that no additional C&DD is dumped on the property.

Please respond to the above violations in writing within 14 days of receipt of this letter. Your response must include either receipts proving the solid waste and the C&DD have been accepted at an authorized facility or a schedule showing when the solid waste and the C&DD will be removed and transported to a facility authorized to accept solid waste or C&DD.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the property owners, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me at (330) 963-1103, or e-mail me at "joshua.adams@epa.state.oh.us."

Sincerely,



Joshua Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JA:cl

cc: Kirk Norris, Stark County Health Department
Matt Boyer, DSIWM-CO
File: [Coun/Millerton Road/COR/76]