



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

July 8, 2009

CERTIFIED MAIL

Jerry Scott
Maxine Scott
3117 Austintown Warren Road
Mineral Ridge, OH 44440

**RE: COITSVILLE HUBBARD ROAD PROPERTY, MAHONING COUNTY;
NOTICE OF VIOLATION (NOV)
OPEN DUMPING OF SOLID WASTE AND
CONSTRUCTION & DEMOLITION DEBRIS (C&DD)**

Dear Mr. and Mrs. Scott:

On June 16, 2009, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) conducted an inspection of the property located at 1002 Coitsville Hubbard Road, Youngstown, Ohio, in Mahoning County, Parcel ID 532350005000 (Property). I, representing DSIWM, was accompanied on the inspection by Deputy W. Walker and Deputy J. Piper of the Mahoning County Sheriff's Department Litter Enforcement Section and Officer L. Fulmer, City of Youngstown Code Enforcement. During the inspection it was determined that the property contained illegally deposited solid waste and C&DD including, but not limited to, metal pipes (See Attachment A: Pictures 1, 2 and 7), rubber and plastic (See Attachment A: Picture 3), crushed lumber and particle board (See Attachment A: Pictures 3 and 4), ceramic tile (See Attachment A: Picture 3), steel beams (See Attachment A: Pictures 2, 5 and 6), scrap tires (See Attachment A: Pictures 2, 5, 6 and 7), couch cushions (See Attachment A: Picture 5), electrical wire and conduit (See Attachment A: Pictures 7 and 8), and miscellaneous pulverized C&DD and solid waste (See Attachment A: Pictures 1, 2, 3, 4, 6, 7 and 8).

Prior to my arrival on June 16, 2009, you were witnessed by Deputies Piper and Walker to be operating a bulldozer on the Property in an attempt to compact and spread the illegally deposited solid waste and C&DD. In a police report (Attachment B) date/time 6-24-09 1230, it is reported that you requested the material (specifically "brick and cement") from a recently demolished building on Himrod Avenue near Forest Avenue in Youngstown, Ohio, to be brought to the Property and be deposited for use as fill material.

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While it is permissible pursuant to **Ohio Administrative Code (OAC) Rule 3745-400-05(A)(4)** to use *clean hard fill*, defined below, in “*legitimate fill operations for construction purposes or to bring the site up to a consistent grade*” the person responsible for causing the clean hard fill to be used shall, pursuant to **Rule 400-05(C)**, “*provide a written ‘Notice of Intent to Fill’ to each licensing authority where the clean hard fill is to be placed.*” Among other requirements, the “Notice of Intent to Fill” must be received by each local licensing authority at least seven days prior to filling. **Rule 400-01(E)** states “*Clean hard fill means construction and demolition debris which consists only of reinforced or nonreinforced concrete, asphalt concrete, brick, block, tile, and/or stone which can be reutilized as construction material. Brick in clean hard fill includes but is not limited to refractory brick and mortar. Clean hard fill does not include materials contaminated with hazardous wastes, solid wastes, or infectious wastes.*” Since the materials deposited on the Property include solid wastes and C&DD, it is not permissible to use these materials in any type of fill operation.

This Property is neither licensed nor permitted as a solid waste or scrap tire disposal facility in accordance with **Ohio Revised Code (ORC) Chapters 3734. and 3714. and OAC Chapters 3745-27 and 3745-37**. Therefore, the illegal disposal of solid waste, including scrap tires, on the Property constitutes a violation of the following:

ORC Section 3734.02(C) which state, in part, that “*...no person shall establish a new solid waste facility or...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 which states, in part, that “[n]o person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection....”

ORC Section 3734.05(A)(1) which 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.*”

OAC Rule 3745-37-01(A) which states that “[n]o 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.”

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OAC Rule 3745-27-05(C): states that “[n]o 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 improper storage or disposal of scrap tires can be a fire hazard and provides an ideal breeding habitat for mosquitoes. The species of mosquitoes that breed in scrap tires can carry and spread the West Nile Virus, St. Louis Encephalitis, La Crosse Encephalitis, Dengue Fever and other diseases that are harmful to humans. Removal of potential breeding sites such as scrap tires is one method to reduce the population of the mosquitoes that can carry these diseases.

This Property is also neither licensed nor permitted as a C&DD disposal facility in accordance with Ohio Revised Code (ORC) Chapter 3714. and Ohio Administrative Code (OAC) Chapters 3745-37 and 3745-400. Therefore, the illegal disposal of C&DD on the Property constitutes a violation of the following:

ORC Section 3714.06(A) which states, in part, that “[n]o 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) which states, in part, that “[n]o 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) which states that “[n]o person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.”

As the Property owner, you are responsible to remove the solid waste and C&DD currently deposited on the Property and ensure that no additional solid waste or 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 (1) receipts proving solid waste, scrap tires and the C&DD have been accepted at an authorized facility or (2) a schedule showing when the solid waste, scrap tires and the C&DD will be removed and transported to a facility authorized to accept solid waste, scrap tires or C&DD.

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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: Bruce McCoy, DSIWM-CO
J. Piper, Mahoning County Sherriff's Dept., Litter Enforcement
File: [COUN/Youngstown City/COR/50]

Attachment A: Picture 1



Picture of metal pipes and pulverized C&DD
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 2



Picture of metal, pulverized C&DD, scrap tire, steel beams, miscellaneous solid waste
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 3



Picture of rubber, pulverized C&DD, ceramic tile
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 4



Picture of pulverized C&DD, particle board
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 5



Picture of steel beams, couch cushions, scrap tire
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 6



Picture of pulverized C&DD, scrap tire, steel beams, miscellaneous solid waste
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 7



Picture of scrap tire, pulverized C&DD, metal pipes, electrical wire and conduit
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment A: Picture 8



Picture of pulverized C&DD, electrical wire and conduit
Taken by Joshua Adams, Ohio EPA
1002 Coitsville Hubbard Road, Mahoning County 6-19-09

Attachment B
Mahoning County Sheriff's Department Police Report
Prepared by Deputies J. Piper and W. Walker
6-24-09

NARRATIVE SUPPLEMENT

MAHONING CO. SHERIFF

CALL NUMBER 4860	INCIDENT NUMBER
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VICTIM STATE OF OHIO	OFFENSE OPEN DUMPING	INCIDENT DATE/TIME (MM/DD/YY/TTTT) 6-24-09 1230
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ON THURSDAY, JUNE 11, 2009, DEPUTIES W. WALKER AND J. PIPER, RECEIVED A PHONE CALL FROM ANNIE OMRAN, YOUNGSTOWN HOUSING INSPECTOR, FOR THE CITY OF YOUNGSTOWN, IN REFERENCE TO A CALL SHE GOT ABOUT DUMPING ON VACANT LAND ON COITSVILLE-HUBBARD ROAD, CITY OF YOUNGSTOWN. A NEIGHBOR HAD TOLD HER THAT A LARGE TRUCK HAD JUST DUMPED A LOT OF DEBRIS, CONCRETE, AND WOOD ON THE PROPERTY AND THAT THEY HAD LEFT. WE WERE GIVEN A PHONE NUMBER AND THE NAME OF A COMPLAINTANT. I THEN MADE A CALL TO THE COMPLAINTANT, MIRIAM OCASIO, WHO RESIDES IN THE IMMEDIATE AREA OF THE PROPERTY. I EXPLAINED TO HER THAT WE WERE TIED UP TODAY AND THAT WE WOULD CHECK INTO IT AS SOON AS POSSIBLE. SHE STATED THAT HER BABY-SITTER SAW A FEW TRUCKS IN THE COURSE OF THE DAY ON THE LOT DUMPING. I TOLD HER TO KEEP ME POSTED AS TO WHAT WAS GOING ON AND TO DOCUMENT IT AS MUCH AS POSSIBLE. LATER IN THE DAY, WHILE WE WERE PREPARING FOR YOUNGSTOWN HOUSING COURT, OFFICER L. FULMER, YOUNGSTOWN CODE ENFORCEMENT OFFICER, ALSO TOLD US ABOUT WHAT WAS GOING ON IN REFERENCE TO THIS PROPERTY. FULMER TOLD WALKER THAT YOUNGSTOWN POLICE WAS ALSO CALLED TO THE LOCATION TO INVESTIGATE. AFTER COURT WE FOUND OUT THAT OFFICER M. QUINN WAS SENT THERE AFTER RECEIVING A CALL FROM THE NEIGHBORS.

ON FRIDAY, JUNE 12, 2009, I, DEPUTY J. PIPER, WENT TO THE PROPERTY IDENTIFIED AS 1002 COITSVILLE HUBBARD ROAD, LOCATED IN THE CITY OF YOUNGSTOWN, TO CHECK OUT THE AREA. WHILE THERE I TOOK NUMEROUS PHOTOS OF CONSTRUCTION/ DEMOLITION MATERIALS, SCRAP METAL, COPPER, CERAMIC TILE, TIRES, PIPES AND SOLID WASTE MATERIALS. THERE WERE ALSO SIGNS OF PLASTER, TRASH, RUGS, FURNITURE CUSHIONS, WIRING AND MISCELLANEOUS OTHER MATERIALS THAT WERE VISIBLE AND PARTIALLY COVERED WITH DIRT. AFTER LOOKING OVER THE AREA AND GETTING THE PHOTOS I WENT TO SEE OCASIO AND SPOKE WITH HER AND HER BABY-SITTER, WILDEMENIA SANCHEZ. I WAS TOLD THAT THEY TAPED THE MOVEMENT OF THE DUMPING ON THE LOT AND HAD IT ON A CAMCORDER(WHICH WILL BE SUBPOENAED AS EVIDENCE). I VIEWED THE FILMING AND COULD IDENTIFY THE PERSON THAT OPERATED THE TRUCK THAT WAS DUMPING AS HASPER LEGGETTE, WHO IS A CONTRACTOR FOR THE CITY DEMOLITION DEPARTMENT. I TOLD SANCHEZ THAT I WOULD NEED A VOLUNTARY STATEMENT OF WHAT SHE SAW AND THAT SHE WAS THE ONE WHO FILMED THE ACTIVITY. AFTER LEAVING THERE I SPOKE WITH FULMER AND SHE SAID SHE BELIEVED THAT THE MATERIALS DUMPED WERE FROM A SITE WHERE LEGGETTE WAS TEARING DOWN A PORTION OF A BUILDING ON HIMROD AVENUE NEAR FOREST, KNOWN AS THE PROGRESSIVE CLUB. I WENT TO THAT SITE AND TOOK PHOTOS THERE ALSO. THIS SITE BEING DEMOLISHED WAS BELIEVED TO HAVE ASBESTOS, THEREFORE, I MADE THE DECISION TO CALL JOSHUA ADAMS, OF THE OHIO EPA OFFICE.

ON MONDAY, JUNE 15, 2009, JOSHUA ADAMS RETURNED MY CALL AND SAID HE WOULD BE AVAILABLE TO MEET WITH US AT THE SITE ON WEDNESDAY, JUNE 16, 2009. AFTER SPEAKING WITH ADAMS I PROCEEDED TO OBTAIN THE INFORMATION OF THE OWNER(S) OF THE PROPERTY LOCATED AT 1002 COITSVILLE HUBBARD ROAD. THEY WERE LISTED AS JERRY SCOTT AND MAXINE SCOTT OF 3117 AUSTINTOWN WARREN ROAD, MINERAL RIDGE, OH. A VEHICLE THAT WAS SEEN IN THE VIDEO WITH OHIO REGISTRATION DEL-5740 BELONGS TO ONE JANEIRO SCOTT THE SAME ADDRESS AS THE PROPERTY OWNERS.

ON TUESDAY, JUNE 16, 2009, WHEN WE MET WITH ADAMS, THE PROPERTY OWNER IDENTIFIED AS JERRY SCOTT, WAS ON THE PREMISES ATTEMPTING TO COVER OVER THE DUMPED DEBRIS WITH DIRT AND TRYING TO SMOOTH

PERSON CLEARED	A <input type="checkbox"/> DEATH OF OFFENDER B <input type="checkbox"/> PROSECUTION DENIED C <input type="checkbox"/> EXTRADITION DENIED	D <input type="checkbox"/> VICTIM REFUSED TO COOP E <input type="checkbox"/> JUVENILE/NO CUSTODY F <input type="checkbox"/> ARREST - ADULT	G <input type="checkbox"/> ARREST - JUVENILE H <input type="checkbox"/> WARRANT ISSUED I <input checked="" type="checkbox"/> INVEST. PENDING	J <input type="checkbox"/> CLOSED K <input type="checkbox"/> UNFOUNDED L <input type="checkbox"/> UNKNOWN	DATE CLEARED
REPORTING OFFICER DEP. J. PIPER/ DEP. W. WALKER	BADGE NO. 55/50		DATE 06-24-09		
APPROVING OFFICER	[Signature]		[Signature]		

JUN 29 2009

OHIO EPA NEDD

NARRATIVE SUPPLEMENT

MAHONING CO. SHERIFF

CALL NUMBER 4860	INCIDENT NUMBER
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VICTIM STATE OF OHIO	OFFENSE OPEN DUMPING	INCIDENT DATE/TIME (MM/DD/YY/TTTT) 6-24-09 1230
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(((CONTINUED FROM PAGE 1)))

THE SURFACE OF THE GROUND. WALKER AND I SPOKE WITH SCOTT AND ASKED IF HE KNEW WHO THE PERSON WAS THAT DUMPED THE DEBRIS ON HIS PROPERTY AND HE STATED THAT HE DIDN'T KNOW HIS NAME BUT THAT HE SAW A MAN DEMOLISHING A BUILDING ON HIMROD NEAR FOREST AND HE ASKED HIM IF HE COULD BRING THE BRICK AND CEMENT TO HIS PROPERTY AS FILL. ADAMS WALKED AROUND WITH ME AND TOOK PHOTOS OF THE MANY VIOLATIONS OF WHAT WAS IN THE FILL AND HE ADVISED JERRY SCOTT THAT HE IS IN VIOLATION OF EPA RULES ON WHAT IS TO BE USED AS FILL FOR PROPERTY. ADAMS WILL HANDLE THE EPA VIOLATIONS THROUGH HIS DEPT. AND THE PROPERTY OWNERS WILL BOTH BE SENT A "NOTICE OF VIOLATION" FROM THEM, ALLOWING THEM SOME TIME TO ADDRESS THE PROBLEMS. HE ALSO TOLD SCOTT THAT HE IS RESPONSIBLE FOR SEPARATING AND CLEARING THE PROPERTY OF ALL CONSTRUCTION MATERIALS AND ALL SOLID WASTE THAT IS NOT PERMITTED BY LAW. THERE IS ALSO A NEW GAS WELL THAT WAS INSTALLED ON THE PROPERTY AND ADAMS WILL BE NOTIFYING THE COMPANY OF THE NUMEROUS VIOLATIONS ON THE SITE SO AS TO AVOID ANY MAJOR PROBLEMS. OFFICER L. FULMER WAS ALSO PRESENT AT THE SITE SINCE SHE HAD RECEIVED ONE OF THE COMPLAINTS AND WAS INTERESTED IN WHAT MAY HAVE BEEN ON THE PROPERTY PRIOR TO BEING VACANT LAND. SCOTT TOLD HER THAT THE CITY HAD TAKEN DOWN AN OLD FARMHOUSE A COUPLE OF YEARS AGO AND THAT HE WAS TRYING TO FILL THE PROPERTY IN HOPES OF BUILDING A HOUSE THERE IN THE FUTURE.

ON OR ABOUT JUNE 18, 2009, OFCR. L. FULMER AND MYSELF SAW OFFICER M. QUINN ON THE SOUTHSIDE OF THE CITY AND SPOKE BRIEFLY TO HIM ABOUT WHAT HE OBSERVED WHEN HE RESPONDED TO 1002 COITSVILLE HUBBARD ROAD, AND HE IDENTIFIED THE OPERATOR OF THE DUMP TRUCK AS HASPER LEGGETTE. QUINN WILL BE SUBPOENAED AS A WITNESS AS WELL AS THE VIDEO TAPE OF THE ACTIVITY.

CHARGES OF OPEN DUMPING 3734.03 (AN UNCLASSIFIED FELONY) WILL BE FILED THROUGH THE YOUNGSTOWN CITY PROSECUTORS OFFICE ON HASPER LEGGETTE.

A COPY OF THIS REPORT WILL BE SUBMITTED TO THE OHIO EPA OFFICE/ JOSHUA ADAMS (HE WAS ALREADY GIVEN PHOTOS OF THE SITE WHEN HE MET WITH US ON 06-16-09).

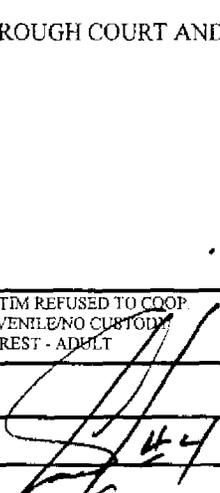
NOTE::: A LARGE CONCERN FOR THE NEIGHBORS IN THAT AREA IS THE FACT THAT ALL OF THIS MAY CONSTITUTE A HEALTH HAZARD IN REFERENCE TO WHAT MAY HAVE BEEN ALREADY BURIED ON THE SITE AS WELL AS THE FACT THAT THERE IS A GAS WELL ON THE PROPERTY.

THIS CASE IS PENDING FURTHER ACTION THROUGH COURT AND FURTHER INVESTIGATION.

RECEIVED

JUN 29 2009

OHIO EPA NEDO

REASON CLEARED	<input type="checkbox"/> A DEATH OF OFFENDER <input type="checkbox"/> B PROSECUTION DENIED <input type="checkbox"/> C EXTRADITION DENIED	<input type="checkbox"/> D VICTIM REFUSED TO COOP. <input type="checkbox"/> E JUVENILE/NO CUSTODY <input type="checkbox"/> F ARREST - ADULT	<input type="checkbox"/> G ARREST - JUVENILE <input type="checkbox"/> H WARRANT ISSUED <input checked="" type="checkbox"/> I INVEST. PENDING	<input type="checkbox"/> J CLOSED <input type="checkbox"/> K UNFOUNDED <input type="checkbox"/> L UNKNOWN	DATE CLEARED
REPORTING OFFICER DEP J. PIPER/ DEP. W. WALKER			BADGE NO. 55/50	DATE 06-24-09	
APPROVING OFFICER			BADGE NO.	DATE	

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9A
7-9-09

Sent To Jerry Scott
 Street, Apt. No.,
 or PO Box No. Maxine Scott
 City, State, ZIP+4 Mineral Ridge OH

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <u>Jerry Scott</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>JERRY SCOTT</u></p> <p>C. Date of Delivery <u>7-10-09</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Jerry Scott Maxine Scott 3117 Austintown Warren Road Mineral Ridge, OH 44440</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <u>7008 3230 0003 5419 7211 9000 Adams 7909</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>