



**Environmental
Protection Agency**

Bob Taft, Governor
Mike DeWine, Lt. Governor
Gerrit Kottlowski, Director

September 13, 2010

CERTIFIED MAIL

Gordon T. Maupin
The Wilderness Center
P.O. Box 202
Wilmington, OH 44689

**RE: THE WILDERNESS CENTER, STARK COUNTY
NOTICE OF VIOLATION (NOV)**

Dear Mr. Maupin:

On September 10, 2010, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid Waste and Infectious Waste Management (DSIWM) was informed of an open dump of ~150 scrap tires at Parcel No. 6704279, Navarre Road, SW, Stark County (Property). Ohio EPA DSIWM NEDO was also informed that the scrap tires were in place when The Wilderness Center purchased the Property in 2006.

Ohio Administrative Code (OAC) Rule 3745-27-01(O)(4)(b) defines "open dumping" in part as "[t]he deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code."

Although the scrap tires were in place when The Wilderness Center, Inc., purchased the Property, open dumping of scrap tires has occurred and is a violation of the following:

ORC Section 3734.03 which 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 in rule adopted in accordance with Section 3734.02 of the Revised code."

OAC Rule 3745-27-05(C) which states "no person shall conduct, permit or allow open dumping."

OAC Rule 3745-27-05(C) continues to state that "[i]n 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."

Therefore, you must immediately correct the above violations which may cause a public nuisance, a hazard to public safety, and a fire hazard.

Gordon T. Maupin
The Wilderness Center
September 13, 2010
Page 2

Temporary Approval to Transport Tires:

OAC Rule 3745-27-54(A)(2)(m) states in part that "[t]he requirement to register as a scrap tire transporter does not apply to...[a]ny person who is directed to remove scrap tires from a property to abate a public nuisance or open dump...."

Pursuant to this provision, Ohio EPA directs you, The Wilderness Center, Inc., and your representatives, to remove scrap tires from the Property. Tires may only be transported to Liberty Tire Services of Ohio, located at 14864 Lincoln Street, S.E., Minerva, Ohio 44657. This approval only applies to the tires that have been determined to be open dumped on the Property, as identified in this letter. Temporary approval allowing you to remove scrap tires from your property without obtaining a registration certificate is effective as of the date of this letter and expires thirty (30) days from receipt of this letter. Please be aware that upon expiration of this temporary approval, all scrap tires must be transported in accordance with the scrap tire transporter registration requirements contained in OAC 3745-27-54.

You are also required to submit a cleanup summary and copies of disposal receipts to this office once all of the scrap tires open dumped on the Property are transported and properly disposed of as directed by this letter. Please submit this report within fourteen (14) days of completion of this cleanup project.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the owner or operator of the Property or others from responsibility under ORC Chapters 3704., 3714., 3734. or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you wish to discuss any matters regarding this notice, please do not hesitate to contact me at (330) 963-1103 or joshua.adams@epa.ohio.gov.

Sincerely,



Joshua D. Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JDA:cl

File: [Sowers/COUN/Stark County/Gen/76]

U.S. Postal Service
CERTIFIED MAIL RECEIPT
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PS Form 3811, 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. 	A. Signature <i>* [Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
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PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7010 1060 0000 0089 8893 J. Adams 9-13-10