



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

April 11, 2007

RE: **CITY OF CLEVELAND
ASHLAND ROAD TIRE DUMP**

Saady A. Hashem
Fedwa S. Abouhashem
4745 Fairway Drive
Brooklyn, Ohio 44144

Dear Mr. And Mrs. Hashem:

On March 13, 2007, I conducted an inspection of property you own at 2285 Ashland Road, Cleveland, Ohio (the "Property"). Located on your Property is an illegal solid waste dump containing approximately 10,000 scrap tires haphazardly stored. Also on the Property was other solid waste that included, but not limited to, magazines, garbage, the remains of several trailers, and other miscellaneous household waste. Solid waste placed on or into the ground constitutes open dumping.

Ohio Revised Code ("ORC") §3734.03 states in part: "No person shall dispose of solid wastes by open dumping...". **Ohio Administrative Code ("OAC") Rule 3745-27-05(C)** states: "No person shall conduct, permit, or allow open dumping." Based on observations made at the Property, you are in violation of ORC §3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid waste.

OAC Rule 3745-27-60(B)(6)(a) states in part that individual scrap tire piles shall be no greater than two thousand five hundred (2500) square feet in basal area. There is at least one scrap tire pile on your Property that are greater than 2500 square feet in basal area. Therefore, you are in violation of OAC Rule 3745-27-60(B)(6)(a).

OAC Rule 3745-27-60(B)(6)(c) states that scrap tire piles of five hundred scrap tires or less shall be at least twenty five feet away from other scrap tire piles. Several piles of five hundred scrap tires or less are not at least twenty five feet from other scrap tire piles. Therefore, you are in violation of OAC Rule 3745-27-60(B)(6)(c).

OAC Rule 3745-27-60(B)(6)(d) states that scrap tire storage piles of more than five hundred scrap tires shall be separated from other scrap tire storage piles by a fire lane with a width equal to or greater than fifty six feet. There are several scrap tire piles with greater than 500 scrap tires that are not separated by a fire lane at least fifty six feet in width. Therefore, you are in violation of OAC Rule 3745-27-60(B)(6)(d).

Saad A. Hashem
Fedwa S. Abouhashem
April 11, 2007
Page 2

OAC Rule 3745-27-60(B)(6)(e) states that fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves. Combustible materials consisting mostly of paper and wood wastes, are in between and around the scrap tire piles on your Property. Therefore, you are in violation of OAC Rule 3745-27-60(B)(6)(e).

OAC Rule 3745-27-60(B)(6)(f) states that sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas. Fire lanes are not sufficiently maintained or are non-existent. These conditions would not allow access of emergency vehicles at all times. Therefore, you are in violation of OAC Rule 3745-27-60(B)(6)(f).

OAC Rule 3745-27-60(B)(8) states that mosquito control shall be done by one or more of the following:

- (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in them and that scrap tires shall be kept free of water at all times.
- (b) Lawfully apply or arrange for the application of a pesticide or larvicide.
- (c) Use another method of mosquito control which is approved by Ohio EPA.

If a pesticide or larvicide was applied, a requirement of OAC Rule 3745-27-60(B)(8)(b) is that mosquito control records are to be maintained at the premises. No mosquito control records were available and scrap tires with water in them were observed. . Therefore, you are in violation of OAC Rule 3745-27-60(B)(8). Please note that there is not a mosquito season; mosquitos can breed any time of the year that conditions are favorable.

The solid waste including scrap tires must be removed from the Property immediately. Failure to resolve the above violations may result in Ohio EPA seeking escalated enforcement. Please note, Ohio law requires a registration prior to transporting scrap tires in loads greater than ten scrap tires. Also, scrap tires must be lawfully disposed at a solid waste facility authorized to accept scrap tires.

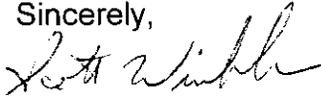
Please respond to the above violations in writing within 14 days of receipt of this letter stating what steps have been taken to address the violations.

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 Entity 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 for remedying conditions resulting from any release of contaminants to the environment.

Saad A. Hashem
Fedwa S. Abouhashem
April 11, 2007
Page 3

If you have any questions, feel free to call me at (330) 963-1220.

Sincerely,



Scott Winkler
Division of Solid and Infectious Waste Management

SW:cl

cc: Anne Snyder, City of Cleveland Health Department
Julianne Kurdila, City of Cleveland Law Department
Matt Boyer
File: [Tukel/TIRE/Cleveland/GEN/18]