



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

March 30, 2011

**RE: AFFORDABLE AUTO
NOTICE OF VIOLATION**

CERTIFIED MAIL

Joseph Douaihy
6556 Maplewood Road, Apt. 203
Mayfield Heights, Ohio 44124-1933

Antoun Wasim
1627 Lyndhurst Road
Cleveland, Ohio 44124-2859

James & Theresa Poppy
1730 E Highway 50, Apt. 27
Clermont, Florida 34711-2778

James & Theresa Poppy
859 Princeton Drive
Clermont, Florida 34711-6757

Dear Mr. Douaihy, Mr. Wasim, and Mr. and Mrs. Poppy:

On March 25, 2011, Ohio Environmental Protection Agency (Ohio EPA), inspected Affordable Auto (Affordable Auto) Parts & Wrecking located at 7071 Ledge Road in Thompson, Ohio. Affordable Auto was also known as Thompson Auto Salvage, and formerly known as Guaranteed Auto Recycling. This letter provides a notice of violations regarding the open dumping of solid wastes and construction and demolition debris (CDD) on the property.

The purpose of the inspection was to determine the current condition of the property, including determining if any open dumped solid wastes have been removed or added to the property. Solid wastes on the property include approximately 8,000 scrap tires. Please see the attached two photos from the March 25, 2011 inspection.

Background

Previously, a clean-up plan was developed by the Health District. However, only minimal amounts of solid wastes were actually removed from the property. The Health District sent letters to the current property owners, Mr. Douaihy and Mr. Wasim, regarding compliance with the clean-up plan. Unfortunately, recent letters from Ohio EPA and Geauga County Health District that were sent to Mr. Douaihy and Mr. Wasim were unclaimed and were returned unopened.

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Therefore, this notice of violation is also being sent to the former owners of the property, Mr. and Mrs. Poppy. Based on the review of file information and interviews with Geauga County Health District, Ohio EPA is aware that the majority of the scrap tires were on site when the property was sold to Mr. Douaihy and Mr. Wasim.

Inspection on March 25, 2011

I, representing Ohio EPA, Division of Solid and Infectious Waste Management, conducted the inspection. No one else attended. I did meet Mr. J. Franey who was on site when I arrived at 1:50 p.m. Mr. Franey explained that he was on site picking up recyclable metals. He also stated that he was related to the Opfell's, the neighbors located north and adjacent to the Affordable Auto property. I explained that he does not own the property and that he should call Geauga County Sheriff's Department for further information regarding access to the property. The inspection included walking the property from the front garage building to the shooting range backstop located at the far back (east) end of the property. Observations and violations are below. Ohio EPA observed the following:

1. Piles of mixed debris containing both CDD and solid waste. Solid wastes include three old boats, car parts, burned out trailer, empty drums and buckets, pressurized tanks, industrial (slag-like) waste, furniture, and miscellaneous debris. The furniture, appliances and TVs that were open dumped near Ledge Road have been removed.
2. Approximately 8,000 scrap tires.
3. Semi-trailer and several small trailers, all in poor condition.
4. Contaminated soils, containing solid waste fragments (metals and plastics, most are auto-related) and spilled auto fluids. Most contaminated soils are near the west end of property near the building. Contaminated soils are also in the rifle range backstop.
5. Rifle range backstop at the east end of the property containing scrap tires and contaminated soils.
6. The plastic orange fencing along Ledge Road was missing. The fencing was to prevent open dumping from Ledge Road.

VIOLATIONS

1. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping of solid wastes

This rule states in part, *"No person shall conduct, permit, or allow open dumping."*

- A. Ohio EPA observed the following solid wastes disposed on site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass, empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

- B. The shooting range backstop at the far east end of the property is constructed of scrap tires that are haphazardly distributed along with soil containing solid waste fragments of metals, plastics and glass. Because the solid waste is mixed in the soil, the soil pile in the backstop is considered solid waste.
- C. There are at least 8,000 scrap tires on the property. Scrap tires are considered solid waste. The scrap tires must be removed by a registered scrap tire transporter.

To achieve compliance, all solid wastes must be removed and properly disposed of at a licensed solid waste disposal facility. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District.

2. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

This law states in part, *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."*

Ohio EPA observed the following solid wastes disposed on site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass, empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

To achieve compliance, all solid wastes must be removed and properly disposed of at a licensed solid waste disposal facility. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District.

3. **OAC 3745-400-04(B)** Illegal disposal of CDD

This rule states in part, *". . . No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code . . ."*

The CDD disposed on the property includes old lumber, carpet, shingles, plastic pieces, and metal debris.

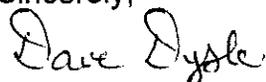
To achieve compliance, all CDD must be removed and properly disposed of at a licensed CDD facility or solid waste disposal facility. Also, Affordable Auto must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District. CDD that is mixed with solid waste is considered solid waste and must be disposed at a licensed solid waste facility.

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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 Affordable Auto, Mr. Douaihy, Mr. Wasim, and Mr. and Mrs. Poppy 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.

Please provide a written response to the above violations within 15 days of receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD/cl
Attachment

cc: Kelly Jeter, DSIWM, CO
Eric Robb, Geauga County Health District
Michael Matsik, Sheriff's Deputy, Geauga County Sheriff's Office
File: [Sowers/COUN/Affordable Auto/GEN/28]

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