



State of Ohio Environmental Protection Agency

Northeast District Office

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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 25, 2007

RE: **OROSZY SCRAP TIRES
NOTICE OF VIOLATION**

CERTIFIED MAIL

Doris Oroszy
c/o Sharon Jarmolowicz
3122 Sweet Road
Conneaut, Ohio 440304

Dear Ms. Jarmolowicz:

On July 16, 2006, September 6, 2006, December 22, 2006, and February 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the property at 3122 Sweet Road, in Ashtabula County. I, representing Ohio EPA Division of Solid and Infectious Waste Management, conducted the inspection. Doris Oroszy was present and granted access. The purpose of the inspection was to determine compliance with Ohio's scrap tire laws and regulations. The property is neither licensed nor permitted as a scrap tire storage facility nor a solid waste disposal facility in accordance with Ohio Revised Code 3734 and Ohio Administrative Code Chapters 3745-27 and 3745-37.

Upon completion of the inspection of this facility, Ohio EPA identified the following violations:

ORC Section 3734.03 states in pertinent part that, *No person shall dispose of solid wastes by open burning or open dumping . . .* and **Ohio Administrative Code (OAC) Rule 3745-27-05(C)** states that *No person shall conduct, permit, or allow open dumping.*

For the purposes of this rule **OAC 3745-27-01(O)(4)** defines *open dumping* as *the 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.*

The owner of this property is in violation of this rule due to disposal of approximately 70,000 scrap tires onto the ground. The owner of this property must remove the scrap tires placed on the property and properly dispose of the solid waste in a licensed solid waste disposal facility, and the scrap tires into an appropriate licensed and registered scrap tire facility. You can obtain a list of licensed and registered scrap tire facilities from Ohio EPAs web site at www.epa.state.oh.us/dsiwm.

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OAC Rule 3745-27-60(B)(6)(a) states, in part, that *the storage of scrap tires in any amount outside ... shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code.* and **OAC Rule 3745-27-60(B)(6)(f)** states, in part, that *the storage of scrap tires in any amount outside... shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless there are 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.*

The owner of this property is in violation of these rules as a nuisance for disposal of approximately 70,000 scrap tires onto the ground in excessively large piles without adequate fire lanes. The owner of this property must first establish fire lanes and then remove the scrap tires placed on the property and properly dispose of them into an appropriate licensed and registered scrap tire facility.

OAC Rule 3745-27-60(B)(8) states, in part, that *One or more of the following shall be done to control mosquitoes at the premises:*

- (a) *Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
- (b) *Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.*
- (c) *Use another method of mosquito control which is approved by Ohio EPA.*

The owner of this property is in violation of this rule, because Ohio EPA observed water and mosquito larvae in the scrap tires. The owner of the facility must apply mosquito control or remove the scrap tires placed on the property and properly dispose of them into an appropriate licensed and registered scrap tire facility.

Board Orders dated July 21, 2004, orders the owner/operator of this property to do the following by September 15, 2004:

- (1) *Remove and dispose of all scrap tires at a scrap tire disposal facility licensed under the Ohio Administrative Code 3734.81 of the Ohio Revised Code by September 15, 2004;*

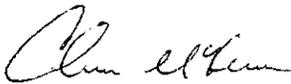
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- (2) *Arrange for a registered scrap tire transporter to transport all scrap tires to a scrap tire disposal facility licensed under the Ohio Administrative Code 3734.81 of the Ohio Revised Code by September 15, 2004;*
- (3) *Submit receipts from a registered scrap tire transporter to the Ashtabula County Health Department by September 22, 2004 which indicates the weight, volume and number of scrap tires received;*
- (4) *Submit monthly progress reports to the Ashtabula County Health Department to document scrap tire removal. This monthly report must be received by the Ashtabula County Health Department no later than ten (10) days following the completion of the previous month;*
- (5) *Implement mosquito control measures at your property (2007 State Road, Ashtabula Township) in accordance with the provisions of the Ohio Administrative Code 3745-27-60(B);*
- (6) *Establish, by August 14, 2004, storage piles and fire lanes at your property in accordance with the Ohio Administrative Code 3745-27-60(1) through (6).*

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

If you have any questions regarding this letter, please contact me at (330) 963-1268.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Matt Boyer, DSIWM-CO
Harry Smail, DSIWM-CO
Ray Saporito, Ashtabula County Health Department
File: [Tukel/Tire/Oroszy/Cor/04]

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PS Form 3800, June 2002

See Reverse for Instructions