



State of Ohio Environmental Protection Agency

Northeast District Office

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

December 19, 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 November 29, 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. The purpose of the inspection was to determine if the facility is in 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:

1. **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 [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.

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 EPA's website at [www.epa.state.oh.us/dsiwm](http://www.epa.state.oh.us/dsiwm).

2. **OAC Rule 3745-27-60(B)(7)(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.*

**OAC 3745-27-60(7)(e)** states "Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around, and between the scrap tire storage piles and areas."

**OAC 3745-27-60(11)** states "Fire breaks shall be maintained free of all combustible material including but not limited to weeds, leaves, and debris. Fire breaks may include well mowed grass if the fire break also include a gravel or paved fire lane at least twenty feet wide."

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 breaks. 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.

3. **OAC Rule 3745-27-60(C)(1)** 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 within twenty-four hours of accepting the scrap tires.*
  - b) *Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
  - c) *... arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.*

The owner of this property is in violation of this rule. 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.

### **Ashtabula Board Order Violations**

4. Board Orders dated February 12, 2004, orders the owner/operator of this property to do the following by September 15, 2004:
  - (1) *Dispose of all waste tires at a licensed tire disposal facility.*
  - (2) *Submit receipts from the landfill to our department to confirm disposal of waste tires on a monthly basis.*
  - (3) *Hire a licensed pesticide applicator to apply a pesticide from a May 1 to November 1 to control mosquitoes.*
  - (4) *Submit written proof to our department of all pesticide applications provided by licensed pesticide applicator concerning waste tires.*
  
5. 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;
  - (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).

### **Director's Final Findings and Orders**

6. Ohio EPA Director's Final Findings and Orders, dated December 4, 2007, states that the owner of the property (Respondent) must comply with the following schedule:
- 1) *Upon the effective date of these Orders, Respondent shall implement mosquito control measures at the Property ...*
  - 2) *Not later than thirty (30) days after the effective date of these Orders, Respondent shall establish storage piles and fire lanes at the Property ...*
  - 3) *Not later than one hundred twenty (120) days after the effective date of these Orders, Respondent shall remove or cause the removal of all scrap tires from the Property including, but not limited to, scrap tires dumped onto the ground and buried scrap tires, and shall arrange for their transportation, by a registered scrap tire transporter:*
    - a) *To a scrap tire storage, monofill, monocell, or recovery facility licensed under ORC Section 3734.81; or*
    - b) *To such a facility in another state operating in compliance with the laws of the state in which it is located; or*
    - c) *To any other solid waste disposal facility in another state that is operating in compliance with the laws of that state.*
  - 4) *Respondent shall obtain receipts from the registered transporter and the facility indicating weight, volume or number of scrap tires received. Respondents shall forward such documentation to Ohio EPA within (10) days after completion of Order No. Three (3).*
  - 5) *Respondent shall continue to comply with Order Nos. One (1) and Two (2) above until such time as all scrap tires have been removed from the Property.*

To comply with the orders, the owner of the property must manage the tires in accordance with OAC Rule 3745-27-60 and the owner of the property must arrange to have all of the scrap tires removed and property disposed of at an approved scrap tires by April 2, 2008.

Doris Oroszy  
c/o Sharon Jarmolowicz  
December 19, 2007  
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Please respond in writing to this letter within 15 days of the date of the letter.

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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