



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 25, 2007

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

CERTIFIED MAIL

Andover Realty Group Limited Partnership
c/o Serrol James Dubin
2930 Clay Street
Austinburg, Ohio 44010-9709

Andover Realty Group Limited Partnership
P.O. Box 5969 Lake Street
Kingsville, Ohio 44048

Dear Mr. Dubin:

On July 16, 2006, September 6, 2006, December 22, 2006, and February 28, 2007, the Ohio Environmental Protection Agency (Ohio EPA), conducted inspections of the property at 3142 Sweet Road, in Ashtabula County. I, representing Ohio EPA Division of Solid and Infectious Waste Management, observed the property from 3122 Sweet Road. The purpose of the inspection was to determine compliance with Ohio's scrap tire laws and regulations. The owners of the property are neither licensed nor permitted as a scrap tire storage facility nor a solid waste disposal facility in accordance with Ohio Revised Code (ORC) Chapter 3734 and Ohio Administrative Code (OAC) Chapters 3745-27, and 3745-37.

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

At the time of the July 16, 2006 and September 6, 2006 inspections, approximately 20,000 scrap tires were on the ground in a large pile. It appeared that the tires were being moved consolidated into a new pile for removal. However, the scrap tire pile remained on the property at the time of the December 22, 2006 and February 29, 2007 inspections. In addition, there were no fire lanes through or around the pile. The owner of this property is in violation of the rules due to disposal of approximately 20,000 scrap tires. The owner of this property must remove the scrap tires placed on the property and properly dispose of them at an appropriate licensed and registered scrap tire facility. You can obtain a list of licensed and registered scrap tire facilities from Ohio EPA's web site at www.epa.state.oh.us/dsiwm.

- **ORC Section 3734.03** states in pertinent part that, *No person shall dispose of solid wastes by open burning or open dumping*

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)(b)** 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.*

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.*

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.*

Ashtabula Board Order Violations

At the time of the July 16, 2006, September 6, 2006, December 22, 2006, and February 26, 2007 inspections, approximately 20,000 tires remain on the property. The owner of this property failed to remove the approximate 20,000 scrap tires by September 15, 2004, and failed to submit scrap tire disposal receipts and documentation of mosquito control application to the Ashtabula County Health. The owner of this property must immediately remove the scrap tires placed on the property and properly dispose of them into an appropriate licensed and registered scrap tire facility, and submit scrap tire disposal receipts and documentation of mosquito control application to Ohio EPA or Ashtabula County Health Department.

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).*

Please respond in writing within 15 days of receipt of this 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/Andover Realty/COR/04]

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