



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

September 5, 2008

RE: **NOTICE OF VIOLATION
OPEN DUMPING/OPEN BURNING
8239 SABER RD. SE
CARROLL COUNTY**

CERTIFIED MAIL

Mr. Craig Strasser
4519 Baker Street
East Canton, Ohio 44730

Dear Mr. Strasser:

Carroll County Tax Records indicate that you are the owner of a property located at 8239 Saber Road SE (subject property) in Perry Township, Carroll County, Ohio. On August 20, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint investigation at the subject property. I was accompanied by Tom Cottis, representing the Carroll County Emergency Management Agency. No one was present at the subject property at the time of this inspection. During the investigation, both open dumping and open burning of solid waste were observed on the subject property.

Upon completing my inspection, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) existed at the subject property:

1. **Open Dumping of Solid Waste:** During this inspection solid waste, including but not limited to scrap tires, bedroom furniture (dressers, beds, mattresses, etc.), a wheelbarrow, kerosene space heaters, clothing, kitchen items, a large chair, children's toys, small appliances, electronic items, books, boxes, carpeting, fans, a wash tub, and general household waste and trash consistent with cleaning out a house and its contents were observed open dumped on the subject property. In order to return to compliance with all applicable laws and rules, the owner(s) of the subject property must immediately remove all solid waste open dumped on the subject property and properly dispose of it in a licensed solid waste disposal facility. Removal of solid waste includes removal of any solid waste that has been buried on this property, including immediately adjacent to the house. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of the subject property must also take all necessary measures to prevent additional solid waste from being open dumped on the subject property.

The open dumping of solid waste on the subject property is a violation of the following laws and rules:

- **ORC Section 3734.03:** *"No person shall dispose of solid wastes by open burning or open dumping..."*

- **ORC Section 3734.02(C)**: *"...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director..."*
- **ORC Section 3734.05(A)(1)**: *"...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection..."*
- **ORC Section 3734.05(A)(2)**: *"...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility..."*
- **ORC Section 3734.11(A)**: *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*
- **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*
- **OAC Rule 3745-37-01(A)**: *"No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director..."*

2. **Open Burning of Solid Waste:** During this inspection evidence of solid waste, including but not limited those items listed in violation number 1, above, was observed being open burned on the subject property. In order to return to compliance with all applicable laws and rules, the owner(s) of the subject property must immediately cease open burning of solid waste at the subject property and ensure that no further illegal burning is conducted on the subject property. Further, all waste that was open burned on the subject property, as well as all ash generated as a result of the illegal burning of waste on the subject property, must be excavated and removed from the subject property and properly disposed in a licensed solid waste disposal facility. Removal of solid waste includes removal of any solid waste and ash that has been buried on this property, including immediately adjacent to the house. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA.

The open burning of solid waste on the subject property is a violation of the following rule:

- **OAC Rule 3745-19-04**: *"No person or property owner shall cause or allow open burning in an unrestricted area..."*

- 3. Scrap Tires/Mosquito Control:** During this inspection scrap tires were observed stacked against the garage adjacent to the house and open dumped on a pile near a field uphill from and behind the house at the subject property. Ohio EPA documented that you were not making an effort to control mosquitoes in the scrap tires being stored outside the garage at the subject property. Mosquito larvae were observed in the scrap tires being stored outside the garage at the subject property.

You are in violation because measures are not being taken to control mosquitoes in scrap tires stored at the subject property. The failure to control mosquitoes in scrap tires at the subject property is a violation of the following:

- **OAC Rule 3745-27-60(C)(2):** *"Anyone storing scrap tires shall maintain mosquito control as follows...Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator."*

In accordance with OAC Rule 3745-27-60(D), if upon inspection and written notification, Ohio EPA or the approved health district discover the existence of either one or both of the following:

1. **Mosquitoes** at the premises, the owner or operator shall apply within twenty-four hours or the next business day an adulticide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the adulticide, the date and time of the application, and the name of the person who applied the adulticide.
2. **Mosquito larvae** at the premises, the owner or operator shall apply within twenty-four hours or the next business day a larvicide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the larvicide, the date and time of the application, and the name of the person who applied the larvicide.

As identified earlier in this letter, mosquito larvae were observed in the scrap tires stored at the subject property. In accordance with OAC Rule 3745-27-60(D) mosquito larvicide, registered for use for mosquito control by the Ohio Department of Agriculture must be applied to all scrap tires currently stored at the subject property.

In accordance with OAC Rule 3745-27-60(C)(2), you must maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the larvicide, the date and time of application, and the name of the person who applied the larvicide. The property owner shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The property owner shall retain copies of mosquito control records for a minimum period of three years.

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Upon completing this inspection of the premises, it was determined that the scrap tires stored at the subject property constitute a nuisance and a hazard to public health and safety.

Please submit copies of your pesticide and larvicide application receipts to my attention at the following address:

Jerry W. Weber
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

Please address all of the above violations immediately, and notify me, *in writing*, within 15 days of receiving this letter, indicating the measures which have been taken to correct these violations.

Failure to correct the above violations could result in escalated enforcement action being taken against the owner(s) of this property by Ohio EPA.

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 owner(s) of this property, or others, 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 feel free to contact me at (330) 963-1274, or preferably, e-mail me at "jerry.weber@epa.state.oh.us."

Sincerely,



Jerry W. Weber, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: Darren Machuga, DAPC-NEDO
Tom Cottis, Director, Carroll County Emergency Management Agency
File: [Kurko/COUN/Carroll County/GEN/10]

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Sent to *Craig Strasser*

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or PO Box No. *4519 Baker St.*

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