



State of Ohio Environmental Protection Agency

Northeast District Office

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

November 25, 2008

RE: **OPEN DUMPING OF SCRAP TIRES
NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Mark Slicker
18837 Racine Rd.
Canal Fulton, Ohio 44510

Dear Mr. Slicker:

On November 13, 2008, I, (Clarissa Gereby), Angel Arroyo-Rodriguez, Joe Goicochea and Laura Weber of the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid Waste & Infectious Waste Management (DSIWM) and Division of Surface Water (DSW) conducted an inspection of the scrap tire storage area located at 18837 Racine Rd., Canal Fulton, Wayne County. The inspection was conducted in response to a complaint received by this office. It was estimated that 3,000 to 5,000 scrap tires were at the site. During the inspection, we spoke with Matt Slicker, who met us at the site.

The purpose of this inspection was to determine compliance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC) as they pertain to scrap tires.

The storage of scrap tires at this location is in violation of scrap tire storage requirements contained in OAC 3745-27-60 and 61 and are thus deemed to be open dumped. Therefore, the owner of the property is in violation of the following:

1. **ORC 3734.03** which states in part, "*no person shall dispose of solid wastes by open burning or open dumping except as authorized by the director of environmental protection in rule adopted in accordance with Section 3734.02 of the Revised Code.*"

Scrap tires are open dumped at this location and therefore the owner/operator is in violation of ORC 3734.03. Scrap tires must be removed to an appropriately licensed facility or stored in compliance with OAC 3745-27-60 or OAC 3745-27-61(A).

2. **OAC 3745-27-05(C)** which states "*no person shall conduct, permit or allow open dumping.*"

Scrap tires are open dumped at the Racine Road property. The owner is therefore in violation of OAC 3745-27-05(C). Scrap tires must be removed to an appropriately licensed facility or stored in compliance with OAC 3745-27-60 or OAC 3745-27-61(A).

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OAC 3745-27-01(B)(21)(b): defines "open dumping" to include;

(b) "the deposition of solid wastes that consists 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 ORC..."

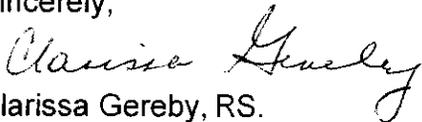
Mr. Matt Slicker informed us that you have been in communication with Mr. Lenny Broome, Assistant Executive Director of the Stark-Tuscarawas-Wayne Joint Solid Waste Management District (STWSWMD) regarding removal of the tires. I subsequently spoke with Mr. Broome who confirmed that the STWSWMD will pay the required tipping fees to either Liberty Tire, or Genesis Concepts, Inc. during the clean-up. Mr. Broome indicated that the cost of transportation of the tires to the facilities will be your responsibility. Please note that transportation of scrap tires must be conducted in accordance with OAC 3745-27-56.

Please reply to this Notice of Violation within 15 days of receipt of this letter. Submit to Ohio EPA, NEDO a detailed plan of action identifying what measures are to be taken to properly remove the scrap tires (and shreds) from this property.

Failure to correct the violations cited in this letter will result in escalated enforcement action being taken by this department. If you have any additional questions or comments, please do not hesitate to contact me at (330) 963-1224.

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

Sincerely,



Clarissa Gereby, RS.
Environmental Specialist
Division of Solid and Infectious Waste Management

CG:cl

cc: Robert Large, Scrap Tire Unit, DSIWM-CO
Jennifer Kurko, DSIWM-NEDO
Ken Eng, Wayne County Health Department
Lenny Broome, Stark-Tusc-Wayne Joint Solid Waste Management District
File: [TIRE/Wayne/GEN/85]