OhioEPA

State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

February 22, 2010

CERTIFIED MAIL

Narvice Dennis
722 Farnbauer Ct.
Youngstown, OH 44506

RE: 722 Farnbauer Ct., Lot 4809, Parcel #53-032-0-191.00-0
Notice of Violation (NOV)

Dear Mr. Dennis:

On December 29, 2009, the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) inspected the property at 722 Farnbauer Ct. (Lot 4809, Parcel # 53-032-0-191.00-0), Youngstown, OH, and observed a large accumulation of scrap tires on the property. Volume 638, page 642 of the property deed recorded in Mahoning County identifies you as an owner of this property.

The storage, transportation and disposal of scrap tires are regulated within the State of Ohio. Scrap tires located on this property are subject to the requirements contained in Ohio Administrative Code (OAC) Rule 3745-27-60 and have been determined to be stored in violation of the following requirements:

1. **OAC Rule 3745-27-60(B)** which states in part, "*The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with...*" the standards contained in OAC Rule 3745-27-60(B):

   Scrap tires stored at the above referenced location are not stored in compliance with OAC Rule 3745-27-60(B), and are thus deemed a nuisance, a hazard to public health and safety, and a fire hazard. You must immediately take action to abate the nuisance, public health, safety and fire hazard by contracting with a registered scrap tire transporter to remove the tires to an appropriately registered or licensed scrap tire facility.

2. **Ohio Revised Code (ORC) Section 3734.03** which states in part, *"No person shall dispose of solid wastes by open burning or open dumping...."*

3. **OAC Rule 3745-27-05(C)** which states, in part, "*[n]o person shall conduct, permit or allow open dumping.*"

Solid Waste in the form of scrap tires are openly dumped on the above referenced property.

Please submit a written response within 15 days of your receipt of this letter, identifying what actions have been or are being taken to correct the above cited violations. Failure to properly remove the scrap tires will result in enforcement action being taken against you by this Agency.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the owner or operator of the property or others from responsibility under ORC Chapters 3704., 3714., 3734. or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions or comments, please contact me at (330) 963-1103 or at joshua.adams@epa.ohio.gov.

Sincerely,

Joshua D. Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JDA:cl

cc: Bruce McCoy, DSIWM-CO
Robin Nichols, Legal
File: [Sowers/Tire/Youngstown/Gen/50]

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