

Environmental
Protection Agency

John Kasich Governor

Deborah D. Cook Lt. Governor

Robert M. Whitely Director

November 14, 2011

RE: COLUCCI SCRAP TIRE DUMP
NOTICE OF VIOLATION
SCRAP TIRE AMNESTY

CERTIFIED MAIL

Patricia Colucci
2937 Saybula Drive
Ashtabula, OH 44004-2227

7011 0470 0002 3496 0118

Patricia Colucci
2007 State Road,
Ashtabula, Ohio 44004

7011 0470 0002 3496 0125

Dear Ms. Colucci:

On November 8, 2011, Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Accurate Iron & Metal (formally North Coast Auto Crushing) at 2007 State Road, Ashtabula, in Ashtabula County. I represented Ohio EPA, Division of Materials and Waste Management (DMWM), during the inspection. John Colucci, Jr. was present at the time of the inspection and you granted us access to the property. The purpose of the inspection was to determine if the facility is in compliance with Ohio Administrative Code Chapters 3745-27 and 3745-37, and Ashtabula County Board of Health board orders.

Upon inspection, it appeared that nearly half of the scrap tires (approximately 45,000) have been removed from the property. John Colucci, Jr. also conceded that nearly 45,000 scrap tires may remain on the property. Ohio EPA has recognized the efforts taken to remove and properly dispose of the initial 45,000 scrap tires. The owners of this property, however, are in violation of the scrap tire rules for disposal of scrap tires onto the ground. The scrap tires are a nuisance since the tires are deposited in large piles with little or no fire lane access and pose a potential health hazard due to lack of mosquito control. Therefore, the owners of the property are in violation of the following:

Ohio Revised Code (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)(b) defines "open dumping" as the following:

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"* and 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."*

The owners of the property failed to comply with these rules. The owners are required to properly manage existing tires from breeding mosquitoes or from becoming a fire hazard, as well as continue to remove the scrap tires placed on the property and arrange for recovery or disposal at an appropriate licensed solid waste facility.

In addition, Ashtabula County Board Orders, dated July 21, 2002, states, in part, that the owner of this property is responsible for *"(5) Removal and disposal of waste tire at an approved disposal facility which results in a net reduction of 10,000 waste tires on your property by January 1, 2003. (6) Removal and disposal of waste tires on your property at an approved disposal facility which results in a net reduction of 10,000 waste tires per year."*

Ashtabula Board orders dated February 12, 2004, state that the owner/operator of this property must 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 ... 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;

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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)."

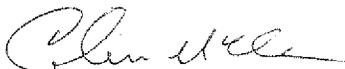
The owners of this property failed to comply with these orders meeting all interim storage requirements and failure to remove at least 80,000 scrap tires to date. The owners of the property are required to remove the scrap tires placed on the property and arrange for recovery or disposal at an appropriately licensed solid waste facility.

However, as communicated to you on July 18, 2011, Ashtabula Township had requested and was awarded a small amount of funds through Ohio Department of Natural Resources (ODNR) to assist in the removal, transportation and disposal of scrap tires that are currently dumped on the property located at 2007 State Road, Ashtabula, Ohio 44004. This grant from ODNR presents a unique and limited opportunity to address the historical tire dump without necessitating further Ohio EPA enforcement action. Ashtabula Township will, however, need to be granted access and meet a number of other conditions of the grant to facilitate the scrap tire removal. If you are interested, please contact Ryan Whitmire at the following:

Ryan Whitmire, Office Manager/Zoning Inspector
Ashtabula Township,
2718 North Ridge Road East,
Ashtabula, OH 44004
(440) 997-9221

Please also be aware that Ohio EPA would be compelled to take enforcement against the owner(s) of this property if the scrap tires are not removed by the expiration of the ODNR grant of **June 30, 2012**. Feel free to contact me at (330) 963-1268 if you have any questions or concerns.

Sincerely,



Colum McKenna
Division of Materials and Waste Management

CM/ci

cc: Ryan Whitmire, Ashtabula Township
Janice Switzer, Ashtabula Co. Solid Waste Management District
Ray Saporito, Ashtabula County Health Department
File [Sowers/TIRE/Collucci Scrap Tire/COR/04] DMWM # None