

Environmental  
Protection Agency

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

January 13, 2012

RE: NOTICE OF VIOLATION  
OPEN DUMPING

CERTIFIED MAIL

Saady A. Abouhashem  
aka Saady A. Hashem  
4745 Fairway Drive  
Brooklyn, Ohio 44114

7011 0470 0002 3496 0682

Fadwa S. Abouhashem  
4745 Fairway Drive  
Brooklyn, Ohio 44114

7011 0470 0002 3496 0217

Guy M. Sancic  
143 Macy Avenue  
Barberton, Ohio 44203

7011 0470 0002 3496 0101

Gentlemen:

On January 9 and January 11, 2012, John Hujar and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted site investigations on the property located at 2285 Ashland Road (subject property) in Cleveland, Cuyahoga County, Ohio. We were met on site by Saady Abouhasem, property owner and Sam Zingale, attorney for Mr. Abouhasem. During the investigation, I observed open dumping of solid waste and scrap tires, and illegal disposal of construction and demolition debris (C&DD) on the subject property.

I conducted an inspection of the subject property as a follow-up to previous inspections conducted on February 24, 2005, March 23, 2006, March 13, 2007, August 3, 2010, and July 21, 2011, by Ohio EPA Division of Materials and Waste Management (DMWM). The purpose of my inspection was to determine compliance with Ohio's solid waste and construction and demolition debris rules.

During the inspection, Mr. Abouhasem and Mr. Zingale explained that several piles of C&DD material have been removed from the property. In addition, several trailer loads of tires have been removed by Lightner Tire.

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

1. **Illegal Disposal of Construction and Demolition Debris (C&DD):** During these inspections, C&DD wastes, including but not limited to, several concrete piles (see picture #1), several piles containing lumber, tires, concrete and brick (see picture # 2-3), and a 450 foot by 80 foot area along Ashland Road containing dimensional lumber

and brick (see picture # 4) were observed illegally disposed of on this property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it at a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

The illegal disposal of C&DD on this property is a violation of the following laws and rules:

- **ORC Section 3714.06(A)**: *"No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license issued by...the director of environmental protection."*
- **ORC Section 3714.13(A)**: *"No person shall violate any section of this chapter."*
- **ORC Section 3714.13(B)**: *"No person shall violate a rule adopted under this chapter."*
- **OAC Rule 3745-400-04(B)**: *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*
- **OAC Rule 3745-37-01(C)**: *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

2. **Open Dumping of Solid Waste:** During these inspections, solid waste, including but not limited to household waste, household appliance parts, plastics, pallets, and automobile parts were observed open dumped on this property (see pictures #5-7). In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all solid waste open dumped on this property and properly dispose of it at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent additional solid waste from being open dumped on this property.

3.

The open dumping of solid waste on this 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..."*

3. **Open Dumping of Scrap Tires:** During these inspections, Ohio EPA observed scrap tires open dumped at your property. In addition to scrap tires being mixed in with the C&DD and solid waste piles, large amounts of tires are located along the eastern side of the property along the railroad tracks spanning the entire length of the property (see pictures #8-10).

The owner(s) of the property where the scrap tires are open dumped is in violation because they have either open dumped scrap tires or allowed scrap tires to be open dumped. The open dumping of scrap tires at this location is a violation of the following:

Saady A. Abouhashem  
aka Saady A. Hashem  
Fadwa S. Abouhashem  
Guy M. Sancic  
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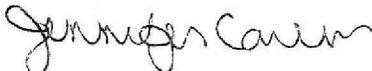
- **ORC Section 3734.03**: *"No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..."*
- **OAC Rule 3745-27-05(C)**: *"No person shall conduct, permit, or allow open dumping."*

Please address the above violations as well as OAC 3745-60(D)(2) immediately, and notify me, in writing, within 30 days of receiving this letter. The response should indicate the measures which have been taken to correct these violations.

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), 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) 963-1133, or preferably, e-mail me at "[jennifer.carlin@epa.state.oh.us](mailto:jennifer.carlin@epa.state.oh.us)."

Sincerely,



Jennifer Carlin  
Environmental Specialist  
Division of Materials and Waste Management

JC/cl  
Attachments

cc: Matt Boyer, DMWM – Central Office  
Gerald Murphy, Cleveland Health Department  
File: [Sower/Tire/Cuyahoga County/Ashland Rd/18]

Appendix A: Picture 1

Taken by Jennifer Carlin – January 9, 2012  
Concrete Pile  
South end of property  
Pile #1



Appendix A: Picture 2



Taken by Jennifer Carlin – January 9, 2012  
Lumber and brick

North end of property  
Pile #2

Appendix A: Picture 3



Taken by Jennifer Carlin – January 9, 2012

Mixed C&DD and Tire Pile  
North end of property  
Pile #3

Appendix A: Picture 4



Taken by Jennifer Carlin – January 9, 2012

Mixed C&DD Pile

Pile #4

Appendix A: Picture #5



Taken by Jennifer Carlin – January 9, 2012  
Mixed Solid Waste Pile  
Pile #5

Appendix A: Picture 6



Taken by Jennifer Carlin – January 9, 2012

Mixed Solid Waste Pile  
Pile #6

Appendix A: Picture 7



Taken by Jennifer Carlin – January 9, 2012

Mixed Solid Waste Pile  
Pile #7

Appendix A: Picture 8



Taken by Jennifer Carlin – January 9, 2012

Tire Pile along Railroad Tracks  
Pile #8

Appendix A: Picture 9



Taken by Jennifer Carlin – January 11, 2012

Tire Pile along Railroad Tracks  
Pile #9

Appendix A: Picture 10



Taken by Jennifer Carlin – January 11, 2012

Tire Pile along Railroad Tracks  
Pile #10