



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Huron County  
Dump Sites

August 3, 2007

Mr. Joe Heitsche  
4500 Hartland Center Rd.  
Collings, Ohio 44826

Dear Mr. Heitsche:

On July 26, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection at your property in Collins, Ohio. The address for this property was unable to be located, however the parcel numbers are: 48-0540-05-036-0101, 48-0540-05-036-0102, 48-0540-05-036-0201, and 48-0540-05-036-0202. The property is bordered by North Railroad Street, South Railroad Street, Heartland Center Road to the east, and Collins Elevator Inc. to the west. The purpose of this inspection was to determine compliance in accordance with Chapter 3745-27 of the Ohio Administrative Code (OAC).

It is the understanding of Ohio EPA that you are the property owner for the majority of the property referenced above. The Northern Ohio Rails to Trails Association, Huron County Parks District, Lorain County Metropark District, Erie County Metropark District, Sandusky County Parks District, Toledo Metropark District, and the Wood County Parks District collectively own a 40 foot strip referred to as "Rails to Trails" through the property. It is Ohio EPA's understanding that all items placed on this property originated on the property you own that surrounds the Rails to Trails property. As the property owner and the generator of the solid waste items, you are responsible in accordance with OAC Chapter 3745-27 for maintaining compliance with solid waste regulations as they apply to activities on your property and adjoining properties where you have placed debris.

I represented Ohio EPA, Division of Solid and Infectious Waste Management during the July 26, 2007 inspection. Mary Ann Miller, Amber Hicks, and Ed Pulido represented Ohio EPA, Division of Hazardous Waste Management during the July 26, 2007 inspection. Your father Ted Heitsche, and step-mother Deedra Fife were present for the inspection. Ms. Fife originally denied us access to the property. After speaking with your family's attorney, Mr. Gregory Shell, Ms. Fife granted us access to the site. I observed several piles of solid waste on the surface of the ground at the property. The solid waste consisted of tires, metal, dismantled vehicles, trailers, wood, barrels, buckets and discarded items.

OAC Rule 3745-27-05(C) states, No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

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Ohio Revised Code (ORC) Section 3734.03 states, No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious waste by open burning or open dumping.

Placement of these items onto or into the ground constitutes open dumping. The owner/operator of the property is in violation of OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping. The owner/operator of the property is also in violation of OAC Rule 3745-31-02(A)(1), ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating a solid waste disposal site without a permit and license.

OAC Rule 3745-31-02(A)(1) states in part, no person shall cause, permit, or establish or modify a solid waste disposal facility, without first obtaining a permit to install from the director.

ORC Section 3734.02(C) states, Except as provided in this division and divisions (N)(2) and (3) of this section, no person shall establish a new solid waste facility, or modify an existing solid waste facility, without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director...

OAC Rule 3745-37-01(A) states in part, 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.

ORC Section 3734.05(A)(1) states, Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code.

You will continue to be in violation of 3745-31-02(A)(1), ORC Section 3734.02(C), ORC Section 3734.05(A)(1), and OAC Rule 3745-37-01(A) for operating an unlicensed and unpermitted solid waste landfill facility and OAC Rule 3745-27-05(C) and ORC Section 3734.03 for open dumping of solid waste at your property until all waste materials are removed.

There were piles of tires in open trailers, near the building, and scattered throughout the property. Tires were also found on your father's property, 2721 South Railroad Street, across the road from your property. It was stated that these tires came from your business operations, and were originally stored on your property. Approximately 210 tires were located on the east side of your father's shop, with most of these tires being semi tires.

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Ohio Administrative Code (OAC) Rule 3745-27-60 establishes scrap tire storage requirements for entities who are not registered as a scrap tire facility. More specifically, OAC Rule 3745-27-60(B)(6) regulates the storage of scrap tires outside a building or covered structure.

OAC Rule 3745-27-60(B)(6)(c) states, Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles.

You are in violation of OAC Rule 3745-27-60(B)(6)(c) for failure to maintain fire lanes between scrap tire storage piles and structures.

OAC Rule 3745-27-60(B)(8) states in part, One or more of the following shall be done to control mosquitoes at the premises:

(a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

(b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio department of agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.

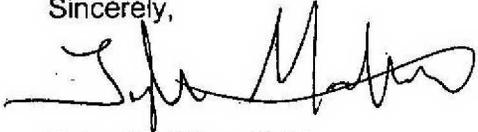
You are in violation of OAC Rule 3745-27-60(B)(8)(a) and (b) for failure to keep tires free of water, and failure to use proper mosquito controls.

Please respond, in writing, within 14 days from receipt of this notice of violation. The response shall include a complete schedule for removing solid waste from the aforementioned property for proper disposal. Please note the copies of receipts shall be submitted to Ohio EPA in order to document proper disposal. The removal of scrap tires must be done by a scrap tire transporter who is registered with Ohio EPA. A list of Ohio's registered scrap tire transporters is enclosed for your reference. You are required to maintain shipping papers for all tires removed from the property. Please submit this response and documentation to Ohio EPA, Northwest District Office, to my attention.

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If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office  
(419) 373-3078.

Sincerely,



Tyler Madeker, S.I.T.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

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pc: Northern Ohio Rails to Trails Association  
Firelands Rails to Trails Inc.  
Sandusky Co. Parks District  
Toledo Metroparks District  
Wood County Parks District  
Erie County Metroparks District  
Lorain County Metroparks District  
Huron County Parks District  
Dave Gangluff, Townsend Twp. Trustees  
Huron County Health Department, Environmental Health Division  
Gregory Shell  
~~File - Huron County, Dump Sites~~

ec: Amber Hicks, DHWM, NWDO