



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
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

March 28, 2007

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

Dear Mr. Heitsche:

On August 11, 2006, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection at property located at 4476 Church St., Collins, Ohio to determine compliance in accordance with Chapter 3745-27 of the Ohio Administrative Code (OAC). On February 27, 2007, I verified that the conditions remain unchanged at the site. This property has been used as a dump site for tires, metal, dismantled trailers, vehicles, wood, and a large amount of miscellaneous debris.

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 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 during the August 11, 2006 inspection. I observed large amounts 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.

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

Mr. Joe Heitsche
March 27, 2007
Page Two

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.

Additionally, 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.

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) requires scrap tire piles be a minimum of 25 feet from structures and other scrap tire storage piles. There were multiple piles of tires in open trailers, near the building, along trucks, and scattered throughout the property. 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.

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

Mr. Joe Heitsche
March 28, 2007
Page Three

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.

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-3060.

Sincerely,



Mary Ann Miller, R.S.
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
~~Site: Huron County Dump Sites~~

ec: DHWM, NWDO