



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: Notice of Violation
229 South Schwamberger Road
Holland, Ohio, Lucas County

April 4, 2007

Estel and Laurie Hudson
825 Schwamberger Road
Holland, OH 43528

Dear Mr. and Mrs. Hudson:

On March 22, 2007, Jodi Vaughan represented the Toledo-Lucas County Health Department (Health Department) and I represented the Ohio Environmental Protection Agency (Ohio EPA) and conducted an inspection of the property located at 229 South Schwamberger Road, Holland, Ohio. This inspection was conducted to determine if the property was in compliance with Ohio's scrap tire regulations and with the Director's Final Findings and Orders (DFFO's) issued on December 18, 2006. Estel Hudson, property owner, was present at the time of inspection.

You indicated that approximately twelve trailers of scrap tires were removed from the property in early 2007 by Entech, Inc of White Pigeon, Michigan. During a telephone call on March 23, 2007, Neil Fry, representing Entech, confirmed that twelve trailers of scrap tires were removed from the property in 2007. A total of thirty trailers of scrap tires have been removed since the clean-up began. Please forward the scrap tire shipping papers from the 2007 clean-up to Ohio EPA and the Health Department. Approximately 500 scrap tires are scattered throughout the property that remain to be cleaned-up. Several on-site trailers also contain scrap tires that must be removed and properly disposed.

Ohio Revised Code (ORC) Section 3734.03 states in pertinent part:

No person shall dispose of solid wastes 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 . . .

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Open dumping is defined in ORC Section 3734.01(l) as (in pertinent part):

Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage monocell, monofil, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code;

The owner/operator of the property at 229 Schwamberger remains in violation of ORC 3734.03 and 3734.01 (l) for open dumping scrap tires.

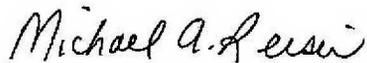
DFFO's Order No. 4 states:

Not later than one hundred twenty (120) days after the effective date of these Orders, Respondents shall remove or cause the removal of all unburned scrap tires from the Property including, but not limited to, scrap tires dumped onto the ground and/or buried, and shall arrange for their transportation, by a registered scrap tire transporter.

Since the effective date of the DFFO's was December 18, 2006, the deadline for the scrap tire removal is April 17, 2007. Ohio EPA and the Lucas County Health Department will continue to conduct periodic inspection to ensure the scrap tire clean-up is progressing.

Should you have any questions, please contact me at (419) 373-3126.

Sincerely,



Michael A. Reiser, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/csI

pc: File: Lucas County, Tires
Jodi Vaughan, Lucas County Health Department
Harry Smail, CO, Scrap Tire Unit