



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  
Clay Township, Ottawa County**

March 27, 2008

CERTIFIED MAIL

Mr. Robert Hanus  
3316 Blairmont Avenue  
Toledo, Ohio 43614

Dear Mr. Hanus:

On March 13, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a reinspection at 23046 West State Route 51, Genoa, Clay Township, Ottawa County, Ohio (property) to determine if tires accumulated at the property had been removed as requested in my July 6, 2007, notice of violation letter. Mr. Ned O'Loughlin and Mr. Brent Goetz of Ohio EPA were also present.

This letter is intended to:

- Describe my observations of the property,
- Notify you of the violations of Ohio laws and rules identified,
- Detail the actions you must take to correct these violations, and
- Discuss other Ohio EPA concerns and comments.

**Description of Ohio EPA's observations of the property:**

On the property, I observed a semi trailer full of scrap tires labeled "Dillon Registered Tire Transporter," located on the east side of the Property. In addition, there were two additional unlabeled semi trailers parked beside the Dillon trailer. Through cracks in the door, it was possible to observe that at least one of the trailers was also filled with scrap tires.

**Notification of violations of Ohio laws and rules:**

As scrap tires remain on the property, it remains an unregistered and unlicensed scrap tire storage facility.

**The owner/operator of this unregistered and unlicensed scrap tire storage facility remains in violation of the following rules and laws:**

1. ORC § 3734.81(A) which states in pertinent part:

*... no person shall operate a scrap tire collection, storage, monocell, monofill, or recovery facility without a license . . .*

2. ORC § 3734.76(C) which states in pertinent part:

*... no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate with accompanying information regarding the facility and its method of operation or submitting to the director an application for a scrap tire storage facility permit with accompanying engineering detail plans, specifications, and information . . .*

3. OAC Rule 3745-27-61(B) which states in pertinent part:

*An application for a registration certificate as required by section 3734.75, 3734.76, or 3734.78 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the scrap tire collection, class II storage, or class II scrap tire recovery facility is begun. . .*

**Actions you must take to correct the violations:**

- Immediately cease accepting tires at the property.
- Have a registered scrap tire transporter remove all scrap tires from the property and properly dispose of them.
- Forward all receipts documenting removal of the scrap tires to my attention at:

Ohio EPA - NWDO  
Attn: Kimberly Burnham  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

- Respond in writing within 30 days with an explanation of the increased number of scrap tires on site, as described in detail below.

**Discussion of other Ohio EPA concerns and comments:**

Ohio EPA is concerned about the apparent accumulation of additional scrap tires at the site. During the January 9, 2008, inspection, one semi trailer of tires was noted. During the March 13, 2008, inspection, at least one additional trailer of scrap tires was noted.

You told me during a May 23, 2008, telephone conversation that you pick up scrap tires from tire retail business in Toledo, Ohio, and transport them to another location to re-groove them. I explained to you during that telephone conversation that scrap tires may only be transported legally in Ohio by a registered scrap tire transporter. You are not registered as a scrap tire transporter in Ohio; therefore, if you transport more than ten scrap tires in a load, you are doing so illegally. In addition, I explained that to legally re-groove scrap tires in Ohio, you must be registered as a scrap tire recovery facility and obtain a license from Ohio EPA. You are not registered and licensed as a scrap tire recovery facility; therefore, if you re-groove scrap tires in Ohio, you are doing so illegally.

Your father and I have had numerous conversations about registration as a scrap tire recovery facility and a registered scrap tire transporter, but no applications to conduct these activities have been received by Ohio EPA.

Mr. Robert Hanus  
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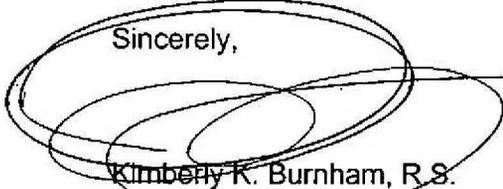
If you continue to transport and re-groove scrap tires in Ohio, you must immediately cease these activities until such time as you have received the approvals to do so legally. Failure to comply with these requirements may result in further legal action being taken.

This correspondence addresses specific observations only of the areas of the Property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the Property at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734. and the rules promulgated thereunder, does not relieve the owner/operator from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please contact me at (419) 373-3049.

Sincerely,



Kimberly K. Burnham, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

//lr

pc: Bob Dipman  
Gary Kapp, Clay Township Zoning  
~~File: Ottawa County, Tires~~  
ec: Rick Hassinger, SIU, NWDO

| SENDER: COMPLETE THIS SECTION  | COMPLETE THIS SECTION ON DELIVERY   |
|--|---|
| <ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Robert M. Nanus</i> <input type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>ROBERT M. NANUS</i> C. Date of Delivery <i>4-7-08</i></p>  |
| <p>1. Article Addressed to:</p> <p><i>MR. ROBERT NANUS<br/> 3316 BLAIRMONT AVENUE<br/> TOLEDO, OH 43614</i></p>  | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type<br/> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail<br/> <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise<br/> <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. A 7006 3450 0001 0611 1889</p>   |   |
| <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>  |   |

| U.S. Postal Service™<br><b>CERTIFIED MAIL™ RECEIPT</b><br>(Domestic Mail Only; No Insurance Coverage Provided)  |                |       |               |      |  |      |   |  |                                 |                |   |
|---|----------------|-------|---------------|------|--|------|---|--|---------------------------------|----------------|---|
| For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>  |                |       |               |      |  |      |   |  |                                 |                |   |
| <b>OFFICIAL USE</b>   |                |       |               |      |  |      |   |  |                                 |                |   |
| <table border="1"> <tr> <td>Postage</td> <td>\$ 41</td> </tr> <tr> <td>Certified Fee</td> <td>2.65</td> </tr> <tr> <td>Return Receipt Fee<br/>(Endorsement Required)</td> <td>2.15</td> </tr> <tr> <td>Restricted Delivery Fee<br/>(Endorsement Required)</td> <td></td> </tr> <tr> <td><b>Total Postage &amp; Fees</b></td> <td><b>\$ 5.21</b></td> </tr> </table> | Postage        | \$ 41 | Certified Fee | 2.65 | Return Receipt Fee<br>(Endorsement Required) | 2.15 | Restricted Delivery Fee<br>(Endorsement Required) |  | <b>Total Postage &amp; Fees</b> | <b>\$ 5.21</b> | <p style="text-align: center;"><b>Ohio EPA</b></p> <p style="text-align: center;">Postmark Here</p> <div style="text-align: center;">  </div> |
| Postage   | \$ 41          |       |               |      |  |      |   |  |                                 |                |   |
| Certified Fee   | 2.65           |       |               |      |  |      |   |  |                                 |                |   |
| Return Receipt Fee<br>(Endorsement Required)  | 2.15           |       |               |      |  |      |   |  |                                 |                |   |
| Restricted Delivery Fee<br>(Endorsement Required)   |                |       |               |      |  |      |   |  |                                 |                |   |
| <b>Total Postage &amp; Fees</b>   | <b>\$ 5.21</b> |       |               |      |  |      |   |  |                                 |                |   |
| <p>Sent To <i>ROBERT NANUS</i></p> <p>Street, Apt. No., or PO Box No. <i>3316 BLAIRMONT AVENUE</i></p> <p>City, State, ZIP+4 <i>TOLEDO, OH 43614</i></p>  |                |       |               |      |  |      |   |  |                                 |                |   |
| <p>PS Form 3800, August 2006 See Reverse for Instructions</p>   |                |       |               |      |  |      |   |  |                                 |                |   |

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