



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

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www.epa.state.oh.us

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

**Re: Illegal Disposal and Open Dumping
Ottawa County
Case No. 08-37**

July 29, 2008

CERTIFIED MAIL

Ms. Tamara Niese-Knaser, Statutory Agent
Island Properties, Inc.
P.O. Box 398
Put-In-Bay, Ohio 43456

Dear Ms. Niese-Knaser:

On June 11, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM), investigated a complaint regarding disposal of wastes at property owned by Island Properties, Inc., located on the northern corner of the intersection of Langram Road and Concord Avenue in Put-In-Bay, Ottawa County, Ohio. Also present during the complaint investigation were Channon Cohen and Kevin Shoemaker of Ohio EPA. Island Properties, Inc. was not represented during our visit to the property. However, an employee directed us to Tim Niese at the Islander Inn; the findings of the inspection were discussed with Mr. Niese upon completion.

A pile of debris was observed in the center of a large crescent-shaped pile of soil, directly behind the new conference center at 425 Langram Road. The pile consisted of: scrap tires, metal, insulation, drywall, chain link fence, wire, buckets, PVC pipe, wooden wire spools, cardboard, concrete blocks, and other miscellaneous debris.

During our discussion with Mr. Niese, I informed him that I had spoken with his father, Tim Niese; in late summer/early fall 2007. The elder Mr. Niese stated that the material would be removed upon completion of the construction of the conference center. The material observed on June 11, 2008, appeared very similar to photos taken of the pile in the fall of 2007, although more debris was present than in 2007. The younger Mr. Niese stated that it is difficult to remove waste from Put-In-Bay as it is an island and ferries do not run in the winter. We discussed that the material would need to be removed and disposed at a landfill that is licensed to accept it and receipts documenting proper disposal would need to be submitted to Ohio EPA.

You may find it useful to know that at least two waste disposal companies operate on Put-In-Bay year round. Allied Waste DBA Browning-Ferris Industries (BFI) and Lake Disposal both collect waste year round.

When the ferries stop operation in the winter, both companies transport waste to the township-owned transfer station on Trenton Avenue and then remove it from the island when the ferries resume operation in the spring.

Failure to remove and properly dispose of these materials constitutes open dumping of solid waste and illegal disposal of construction and demolition debris.

The tires in the pile of debris are considered "solid waste," as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23):

"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, . . .

Open dumping is defined (in pertinent part) in OAC Rule 3745-27-01(O)(4)(b) as:

The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility . . .

The owner/operator of the Property is in violation of OAC Rule 3745-27-05(C) and Ohio Revised Code (ORC) Section 3734.03, which state:

1. OAC Rule 3745-27-05(C), which states in pertinent part:
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.
2. ORC Section 3734.03, which states in pertinent part:
No person shall dispose of solid waste by open burning or open dumping, . . .

The metal, insulation, drywall, chain link fence, wire, buckets, PVC pipe, wooden wire spools, cardboard, concrete blocks, and other miscellaneous debris are considered construction and demolition debris (C&DD). C&DD is defined in OAC 3745-400-01(F) as (in pertinent part):

"Construction and demolition debris" or "debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. . . .

Illegal disposal is defined in OAC Rule 3745-400-01(S) (in pertinent part) as:

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris disposal facility . . . or a solid waste disposal facility . . .

The owner/operator of the property is in violation of OAC Rule 3745-400-04(B) and ORC Section 3714.13, which state:

OAC 3745-400-04(B) (in pertinent part):

No person shall conduct or allow illegal disposal of construction and demolition debris, . . .

ORC § 3714.13(B):

No person shall violate a rule adopted under this chapter.

All scrap tires and C&DD material disposed at this site must be removed and properly disposed at a licensed disposal facility. These violations will continue until all waste material is removed and properly disposed. Forward receipts documenting the proper disposal of these materials to:

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

C&DD may be disposed at a C&DD or a solid waste facility. Lists of licensed C&DD and solid waste facilities in Ohio are included for your convenience.

Also included is a photocopy of a flyer from the Ottawa-Sandusky-Seneca County Solid Waste Management District. The flyer states that a low cost scrap tire collection event will be held at the Ottawa County Fairgrounds on October 18, 2008. Lists of other facilities that can accept scrap tires are also enclosed.

This correspondence addresses specific observations only for 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 site 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 of the property from their obligations to comply with other applicable state and federal laws and regulations.

Ms. Tamara Niese-Knaser, Statutory Agent
July 29, 2008
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If you have any questions, please contact me at (419) 373-3049.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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

/llr

pc: Ottawa County Health Department
Kimberly Burnham, DSIWM, NWDO
(DSIWM-NWDO File: Ottawa County, Dump Sites)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Tamara Niese</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>TAMARA NIESE</i> <i>8/2/08</i></p>
<p>1. Article Addressed to: <i>MS. TAMARA NIESE - KRASCH</i> <i>ISLAND Properties, Inc.</i> <i>P.O. Box 398</i> <i>PUT-IN-BAY, Ohio</i> <i>43454</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
7006 0100 0003 7708 6999	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

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Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.29
Sent To <i>TAMARA NIESE-KRASCH - ISLAND Properties, Inc.</i> Street, Apt. No.; or PO Box No. <i>P.O. Box 398</i> City, State, ZIP+4 <i>PUT-IN-BAY OH 43454</i>	
PS Form 3800, June 2002 See Reverse for Instructions	



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