



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: Notice of Violation
Ottawa County

July 10, 2007

Ms. Janet Akosi, Executor for the estate of
Mr. Paul Hnatiak
3645 Edgewater Drive
Vermilion, Ohio 44089

Dear Ms. Akosi:

On May 9, 2007, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), received from you a completed "Consensual Scrap Tire Removal Agreement" (Agreement) regarding property located at 9878 East Bayshore Drive, Danbury Township, Ottawa County (Property). The Agreement has been reviewed by DSIWM and no additional information is required at this time. DSIWM is awaiting approval from the Director of Ohio EPA to obtain funding to mobilize a contractor to remove the scrap tires accumulated on the Property. In the meantime, there are requirements with which you, as executor of the estate, must ensure the estate complies.

On June 6, 2007, I conducted an inspection of the Property from the adjacent mobile home park, located west of the Property. The pile of scrap tires on the ground in the wooded area at the south end of the property, near the Sandusky Bay shore, was still present. In addition, tires were observed along the Sandusky Bay shore, both in and out of the water. A pile of tires was also observed near the driveway, just west of the old swimming pool.

Scrap tires are considered solid waste and disposal of them on the Property constitutes open dumping. The scrap tires must be removed from the Property and properly disposed. Until the scrap tires are removed from the Property, they must be managed in such a way as to minimize the threat to human health and the environment:

- **Remove the scrap tires from the water along the Sandusky Bay shore.**
- **Remove any water in the scrap tires and store them under a tarp or other cover so that water cannot accumulate in them and provide a breeding ground for mosquitos.**

- **If the water cannot be removed from the tires, 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. Maintain records documenting application of pesticide or larvicide.**
- **In case of fire, ensure that the scrap tire pile(s) are accessible by emergency vehicles. Maintain a minimum fifty-six feet wide fire lane around the pile(s).**

In addition, Ohio EPA requests that the scrap tires located in the woods near the Bay be removed to the front of the Property so that they are more accessible for removal.

Until the scrap tires are removed and properly disposed, the owner/operator of the Property continues to be in violation of the following rules and laws:

1. Ohio Revised Code (ORC) § 3734.03 which prohibits open dumping of solid waste.
2. Ohio Administrative Code (OAC) Rule 3745-27-05(C) which prohibits open dumping of solid waste.
3. ORC § 3734.81(A) which prohibits operation of a scrap tire collection or storage facility without a license.
4. ORC § 3734.76(C) which prohibits establishment of a scrap tire storage facility without first obtaining the required registration or permit.
5. OAC Rule 3745-27-61(B) which prohibits establishment of a scrap tire collection or storage facility without first obtaining the required registration.
6. ORC § 3734.05(A) which prohibits operation of a solid waste facility without a license.
7. ORC § 3734.02(C) which prohibits establishment of a solid waste facility without submitting an application for a permit.

Until fire lanes at least fifty-six feet wide that allow the passage of emergency vehicles are cleared around the scrap tires and the scrap tires placed in Sandusky Bay are removed from the water, the owner/operator of the Property continues to be in violation of the following rules and laws:

8. OAC Rule 3745-27-60(B)(6)(e) which requires fire lanes to be maintained to be free of combustible material including but not limited to weeds and leaves.

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9. OAC Rule 3745-27-60(B)(6)(f) which requires sufficient fire lanes to be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas.
10. OAC Rule 3745-27-60(B)(4) which prohibits the storage of scrap tires by submergence (under water).

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 of the Property 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

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pc: Ottawa County Health Department
Danbury Township
Matt Boyer, DSIWM, CO
Harry Smail, DSIWM, CO
Kimberly Burnham, DSIWM, NWDO
~~File: Ottawa County, Scrap Tires~~