



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 Korfeski, Director

**Re: Notice of Violation
Ottawa County**

April 26, 2007

CERTIFIED MAIL

7005 1160 0002 4566 2379

Mr. Wilbur Buffington
410 Superior Street
Genoa, Ohio 43430

Dear Mr. Buffington:

On March 15, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the properties located at the end of Elmdale Drive, lots 7-20, Park Addition, Clay Township, Ottawa County (property). The owner/operator was not represented during the inspection.

Scrap tires, solid waste, and materials that could be salvaged or recycled (vehicles and metals) remain on the property. However, progress in the removal of these materials was evident.

On January 5, 2007, January 9, 2007, and February 8, 2007, Ohio EPA received receipts documenting removal of 55 tons of scrap metal in November and December 2006 and January and February 2007.

Please continue to forward receipts documenting disposal of the scrap metal, scrap tires, and solid waste to my attention at:

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

The scrap tires and other wastes remaining on the property are considered solid waste in accordance with Ohio Administrative Code (OAC) Rule 3745-27-01(S)(24), and the site is considered a solid waste open dump site. **The owner/operator of the property is in violation of Ohio Revised Code (ORC) § 3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid wastes.**

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You are also in violation of ORC § 3437.02(C) and § 3734.05(A) for operating a solid waste facility without a license or permit, and OAC Rule 3745-27-61(A)(1) and ORC § 3734.81 for operating a scrap tire facility without a license or registrations. These violations will continue until all solid wastes and scrap tires are removed and properly disposed.

You were issued Director's Final Findings and Orders (DFFOs) dated June 7, 2002. Order number 2 of the DFFOs required the removal of all scrap tires from your property within 120 days of the effective date of the DFFOs. Order number 5 of the DFFOs required the removal of all material that can be salvaged or recycled from your property within 180 days of the effective date of the DFFOs. Order number 6 of the DFFOs required the removal of all solid waste from your property within 365 days of the effective date of the DFFOs.

You are in violation of Orders number 2, 5, and 6 of the June 7, 2002 DFFOs, for failing to remove all scrap tires, solid waste, and material that could be salvaged or recycled from the aforementioned property. You will continue to be in violation of Orders number 2, 5, and 6 of the June 7, 2002 DFFOs until all scrap tires, solid waste, and material that could be salvaged or recycled are removed from the property.

In addition, you were issued a Judgment Entry from the Ottawa County Court of Common Pleas dated June 15, 2004. Order number 2 of the Judgment Entry required the removal of all scrap tires from your property within 120 days after the effective date of the Judgment Entry. Order number 5 of the Judgment Entry required the removal of all material that can be salvaged or recycled from your property within 180 days of the effective date of the Judgment Entry. Order number 6 of the June 15, 2004 Judgment Entry requires the removal of all solid waste from the property within 365 days of the Judgment Entry.

You are in violation of Orders number 2, 5, and 6 of the June 15, 2004 Judgment Entry for failing to remove all scrap tires, material that could be salvaged or recycled, and solid waste from the aforementioned property. You will continue to be in violation of Orders number 2, 5, and 6 of the June 15, 2004 Judgment Entry until all scrap tires, material that could be salvaged or recycled, and scrap tires are removed from your property.

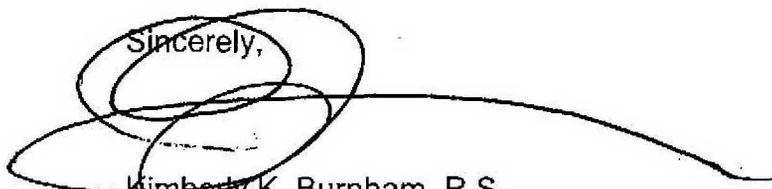
This correspondence addresses specific observations only for the areas of the site that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

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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

/csl

pc: Scott Young, Ottawa County Health Department
Lee Yackee, Clay Township Trustees
Gary Kapp, Clay Township Zoning
Barry Chapman, DSIWM, CO
Harry Smail, DSIWM, CO
Marty Cooper, Legal
Brett Kravitz, AGO-EES
Kimberly Burnham, DSIWM, NWDO
File: Ottawa County, Wilbur Buffington Dump, Tires

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"/> Agent <input type="checkbox"/> Addressee <i>Wilbur B. Buffington</i></p> <p>B. Received by (Printed Name) <i>WILBUR BUFFINGTON</i></p> <p>C. Date of Delivery <i>4/28/07</i></p>
<p>1. Article Addressed to:</p> <p>MR WILBUR BUFFINGTON 410 SUPERIOR ST GENOA OH 43430</p> <p>DSIWM/KIM B./csl</p>	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input 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>
<p>2. Article Number (Transfer from service label) 7005 1160 0002 4566 2379</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at www.usps.com											
OFFICIAL USE											
<table border="1"> <tr> <td>Postage</td> <td>\$.39</td> </tr> <tr> <td>Certified Fee</td> <td>2.40</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>1.85</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage & Fees</td> <td>\$ 4.64</td> </tr> </table>	Postage	\$.39	Certified Fee	2.40	Return Receipt Fee (Endorsement Required)	1.85	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$ 4.64	<div style="text-align: center;">  <p>Postmark Here</p> <p>DSIWM/Kim B. csl</p> </div>
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Total Postage & Fees	\$ 4.64										
<p>Sent To MR WILBUR BUFFINGTON</p> <p>Street, Apt. No., or PO Box No. 410 SUPERIOR ST</p> <p>City, State, ZIP+4 GENOA OH 43430</p>											
<p>PS Form 3800, June 2002 See Reverse for Instructions</p>											

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