



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Open Dumping/Scrap Tire Accumulation
Henry County
Notice of Violation

March 5, 2010

Mr. George Gebers
M-950 State Route 65
McClure, Ohio 43534

Dear Mr. Gebers:

On March 3, 2010, Mary Wright and I, representing the Ohio Environmental Protection Agency (Ohio EPA) conducted a drive-by inspection of your property. We observed miscellaneous solid waste on the property located at M-950 State Route 65 (parcel #334000040000), McClure, Ohio. On May 12, 2009, a letter was sent to you citing a violation of open dumping and on June 26, 2009, I spoke to you concerning proper disposal of the solid waste. The solid waste is still present at the southern portion of your property. Solid waste must be managed in accordance with the regulations listed below.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part):

"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, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

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Open dumping is defined in Ohio Revised Code (ORC) Section 3734.01(I) as (in pertinent part):

...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 consists of scrap tires, as a scrap tire collection, storage monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consists 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;...

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

...the deposition of solid wastes that consist of scrap tires into waters of the state, and also means 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 ...

ORC Section 3734.03 states in pertinent part:

No person shall dispose of solid waste 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...

OAC Rule 3745-27-05(C) states:

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.

The owner/operator of the property located at M-950 State Route 65, McClure, Ohio, is in violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C) for open dumping of solid waste onto the surface of the ground.

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Please respond to this letter, in writing, within fourteen (14) days indicating your willingness to comply with the above cited regulations. Please forward copies of receipts documenting proper disposal to:

Ohio EPA-NWDO
Attn: Susan Hardy
347 N. Dunbridge Road
Bowling Green, Ohio 43402

This correspondence addressed specific observations only for the areas of the Facility that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the facility 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 located at M-950 State Route 65, McClure, Ohio, from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions feel free to contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R. S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/llr

pc: Henry County Health Department
Dean Dawson, Village of McClure
[DSIWM-NWDO File: Henry County, Open Dumping]

ec: Mike Reiser, DSIWM, NWDO