

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

May 4, 2011

**RE: BELMONT COUNTY
Tire SITE - GENERAL**

Mr. Stanely R. Passmore, JR
P.O. Box 1526
Dewey, AZ 86327

Dear Mr. Passmore:

On May 3, 2011, the Ohio Environmental Protection Agency investigated a complaint concerning property owned by you on Clegg Rd (Township Rd. 241) Range 3, located in Belmont County. This complaint alleged the open dumping of solid waste at the property. During my visit to the property, I observed hundreds of tires, furniture, and solid waste on your property.

You are in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) 3745-27-05(C).

ORC 3734.03 states in part:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC 3745-27-05(C) states:

OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

Ohio law requires that anyone removing scrap tires for disposal must take the tires to either a licensed or registered scrap tire collection, recovery or disposal facility. Anyone transporting more than ten (10) scrap tires must be registered with Ohio EPA as a Scrap Tire Transporter. The other solid waste (furniture, trash bags, etc.) must also be removed from the above-mentioned property and disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility.

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The State of Ohio has a program to remove scrap tires from private property at no cost to the property owner. Basically, clean-up money is available for two circumstances: (1) property that someone has inherited which had tires on it at the time it was inherited, or (2) victims of open dumping who had no knowledge of the open dumping and did not profit in any way from the open dumping. Provided that one of these conditions is met, state funded cleanups will be done without cost to the property owner. A consensual agreement form has been developed by Ohio EPA. I have enclosed a copy of the consensual form for your review. Please fill it out, send a copy of the deed for the property, and have the agreement notarized and sent to the following address:

Ohio EPA Southeast District Office
2195 Front St
Logan, OH 43138

Please respond to this correspondence within 14 days of receipt. Your response should include details of your actions taken to properly dispose or recycle the current waste on your property.

If you have any questions, please contact me at this office. You can reach me either by mail or by calling me at (740) 380-5228.

Sincerely,



Erika Jackson
Environmental Specialist II
Division of Materials and Waste Management

EJ/jg

Enclosure

OHIO ENVIRONMENTAL PROTECTION AGENCY

CONSENSUAL SCRAP TIRE REMOVAL AGREEMENT

[Pursuant to the Ohio Revised Code, ORC 3734.85 (E)]

1. The undersigned is the owner of a parcel of real estate located in Belmont County, Ohio whose legal description as recorded in Volume 221, Page 798 of the Belmont County Recorded deeds is as follows:

2. The undersigned hereby authorizes and consents to the entry upon the above-described real estate by officers, employees, authorized representatives, or contractors of the State of Ohio, upon showing proper identification, for such actions as are necessary to remove scrap tires and other associated solid wastes, if any, from the above-described real estate.
3. The undersigned hereby certifies that there are 2,000 or less scrap tires located on the above-described real estate. ORC 3734.85(E).
4. The undersigned hereby certifies that: (Strike out the non-applicable sentence, 4a or 4b)
 - a. The tires were placed on the property after the owner acquired title to the property, or
 - ~~b. The tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise. ORC 3734.85(E)(1).~~
5. The undersigned hereby certifies that as owner of the property he did not have knowledge that the tires were being placed on the property, or he posted on the property signs prohibiting dumping or took other action to prevent the placing of tires on the property. ORC 3734.85(E)(2).
6. The undersigned hereby certifies that as owner of the property he did not participate in or consent to the placing of tires on the property. ORC 3734.85(E)(3).
7. The undersigned hereby certifies that as owner of the property he received no financial benefit from placing of the tires on the property or otherwise having the tires on the property. ORC 3734.85(E)(4).
8. The undersigned hereby certifies that the title to the property was not transferred to the owner for the purpose of evading liability under ORC 3734.85(A). ORC 3734.85(E)(5).
9. The undersigned hereby certifies that the person responsible for the placing the tires on the property, in doing so, was not acting as an agent for the owner of the property. ORC 3734.85(E)(6).
10. The undersigned hereby relinquishes any claim of an ownership interest in any scrap tires or solid waste that are removed or in any proceeds from their sale.
11. The undersigned hereby agrees not to allow any further accumulation of scrap tires at the above-described real estate.
12. The undersigned hereby agrees to waive any claims which may arise against the State of Ohio or their officers, employees, authorized representatives, or contractors in the course of performing the actions described above. The undersigned hereby also agrees to hold harmless the State of Ohio, or any officers, employees, authorized representatives, or contractors utilized by the Ohio Environmental Protection Agency to effect the removal, for any damage to property incurred during the course of action under this Agreement, except to gross negligence or intentional misconduct.

13. The undersigned agree to provide any assistance requested by the Ohio Environmental Protection Agency or their officers, employees, authorized representatives, or contractors of the Ohio Environmental Protection Agency in locating scrap tires on the above-described real estate or making arrangements to facilitate their removal.
14. The undersign agrees that this consent shall remain in effect for a period of 2 (two) years.
15. This consent is granted so that the State of Ohio can undertake the removal of up to 2,000 scrap tires and other solid wastes at the above-described real estate at no cost to the undersigned and without a lien attached to the property pursuant to ORC 3734.85.
16. The undersigned certifies that this Consensual Scrap Tire Removal Agreement is entered into voluntarily and without coercion, that the authorizations contained herein are not granted in consideration of claims which the State of Ohio may have against the undersigned.

Date: _____

Signature of Property Owner _____
 or Authorized Agent of Property Owner with Original of Power of Attorney Attached:

Printed Name(s): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone (____) _____

Signature of Joint Property Owner(s) if applicable: _____

Printed Name(s): _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone (____) _____

STATE OF OHIO
 COUNTY OF _____

Sworn to and subscribed to me this ____ day of _____, 200__ .

(Seal)

 Notary Public

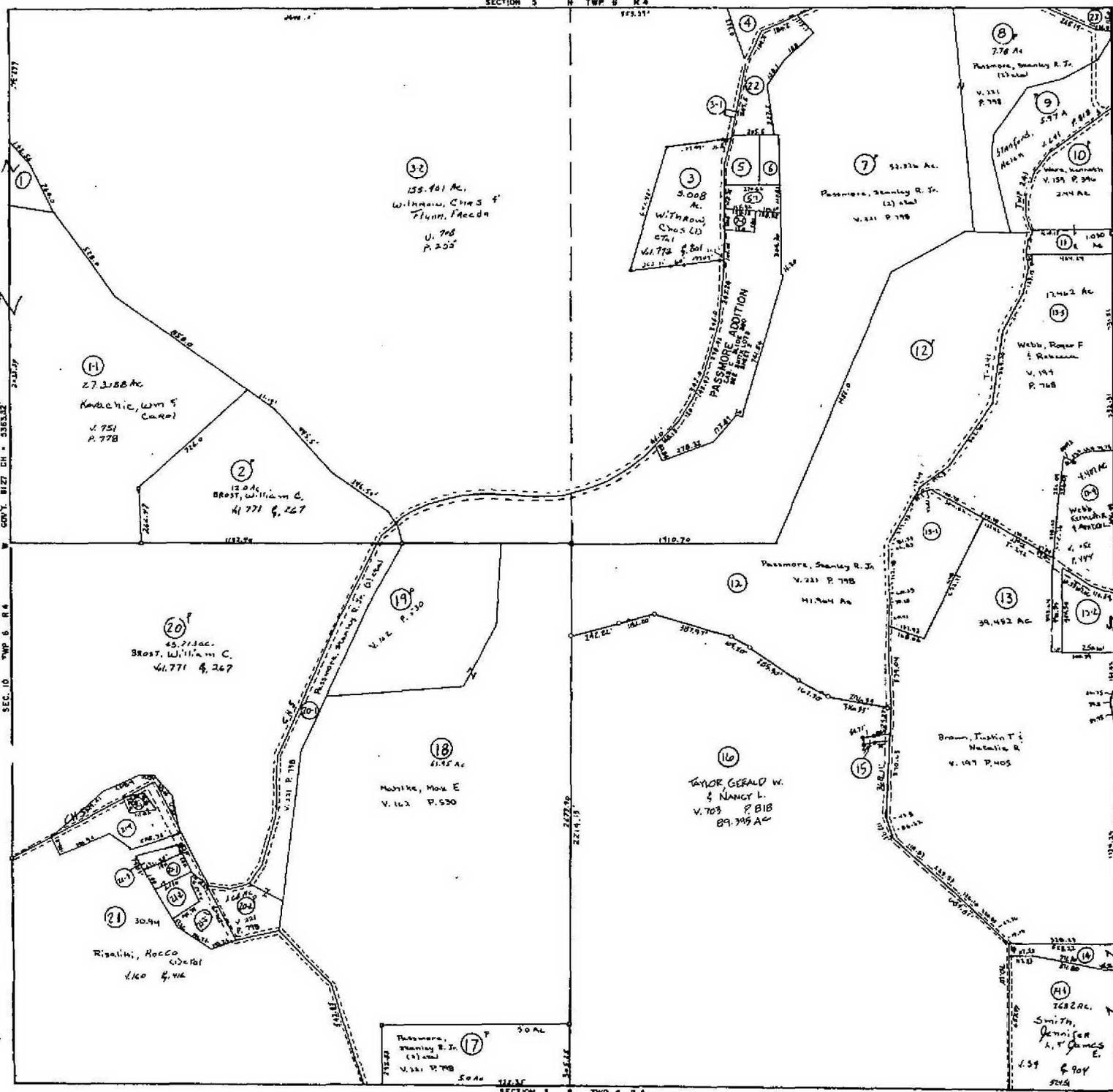
Date Commissions Expires: _____

SMITH
TOWNSHIP
RESMONT COUNTY, OHIO 1984
Sec. 4, T. 6, R. 4

SCALE IN FEET
0 100 200 400

FRED F. BENNETT, COUNTY ENGINEER

REVISED 5-2011



NO.	NAME	VOL.	PG.	ACRES
1	WATERMAN, LORNA S. & LENA R.	283	184	2.24
2	GREEN, SANFORD & GOLDIN	504	245	2.25
3				2.24
4	SMITH TWP. TRUSTEES	488	327	2.24
5	COLUMBIA GAS OF OHIO INC.	516	478	2.24
6	WATERMAN, LORNA S.	129	350	2.25
7	WATERMAN, LORNA S. & LENA R.	412	250	2.24
8	WATERMAN, LORNA S. & LENA R.	412	250	2.24
9	WATERMAN, LORNA S. & LENA R.	412	250	2.24
10	WATERMAN, LORNA S. & LENA R.	412	250	2.24
11	WATERMAN, LORNA S. & LENA R.	412	250	2.24
12	WATERMAN, LORNA S. & LENA R.	412	250	2.24
13	WATERMAN, LORNA S. & LENA R.	412	250	2.24
14	WATERMAN, LORNA S. & LENA R.	412	250	2.24
15	WATERMAN, LORNA S. & LENA R.	412	250	2.24
16	WATERMAN, LORNA S. & LENA R.	412	250	2.24
17	WATERMAN, LORNA S. & LENA R.	412	250	2.24
18	WATERMAN, LORNA S. & LENA R.	412	250	2.24
19	WATERMAN, LORNA S. & LENA R.	412	250	2.24
20	WATERMAN, LORNA S. & LENA R.	412	250	2.24
21	WATERMAN, LORNA S. & LENA R.	412	250	2.24

TRACTS 172, 173, 174, 175 EXCLUDED

GOV. BIZ. CH. - 338532

SEC. 10 TWP 6 R 4

BELMONT COUNTY
CLEGG ROAD DUMP
MAY 3, 2011 - ERIKA JACKSON, DMWM/SEDO

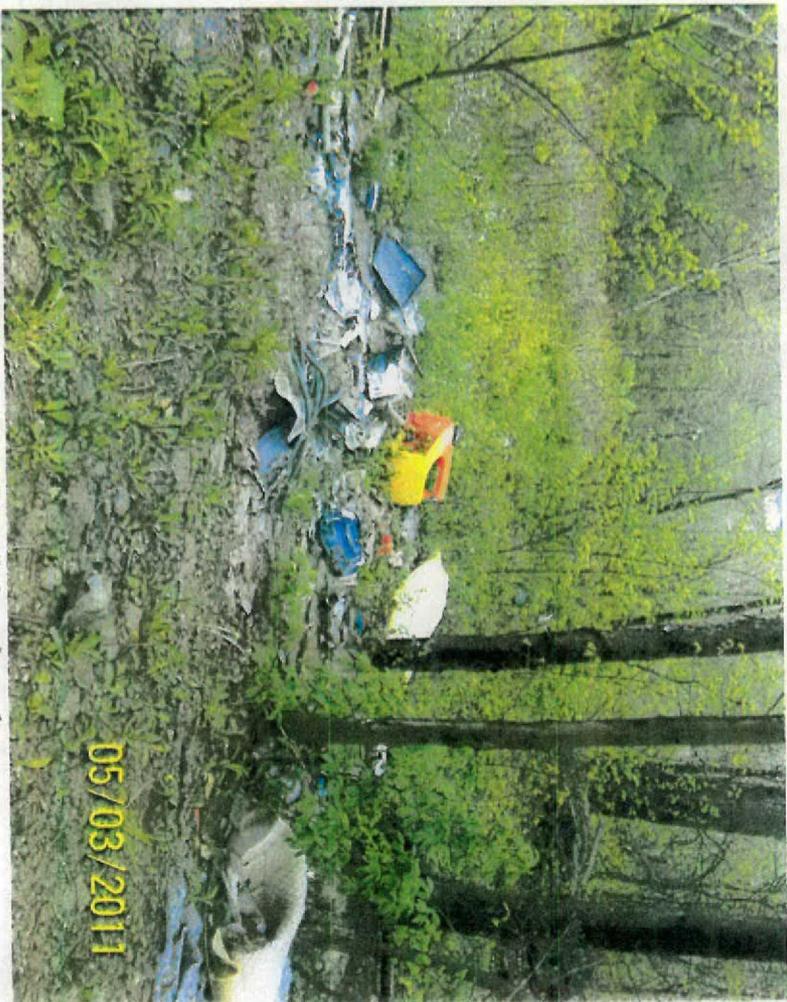


Figure 1 - Clegg Rd. mile long dump 1

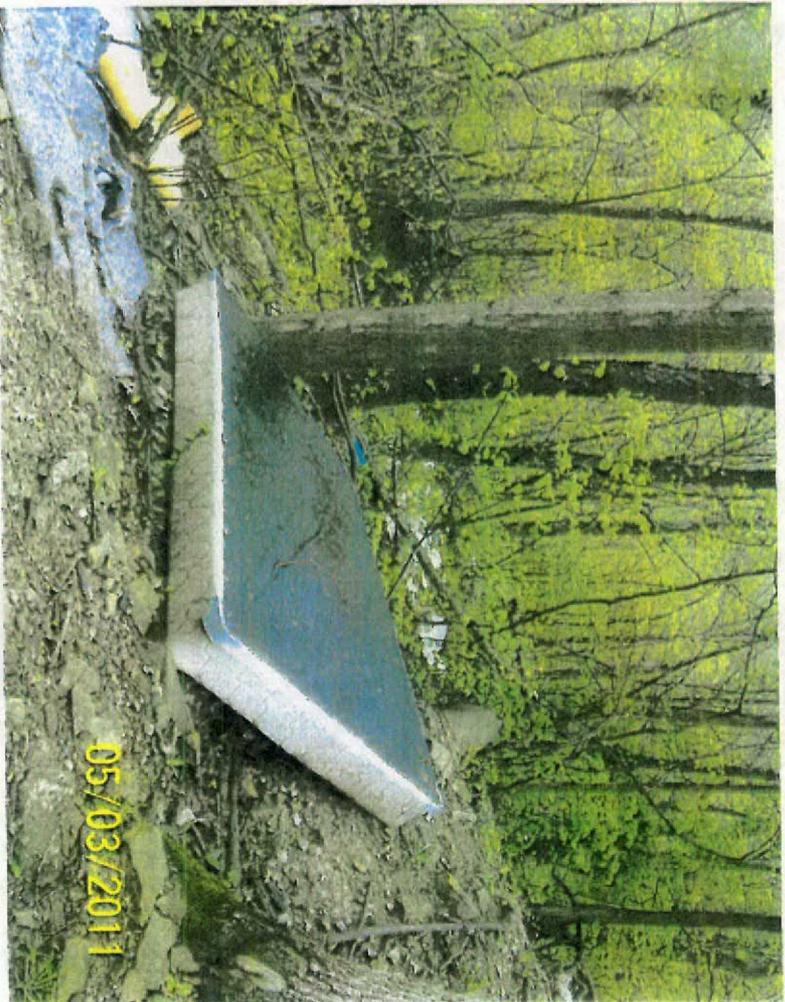


Figure 2 - Clegg Rd. mile long dump 2

BELMONT COUNTY
CLEGG ROAD DUMP
MAY 3, 2011 – ERIKA JACKSON, DMWM/SEDO



Figure 3 - Clegg Rd. mile long dump 3

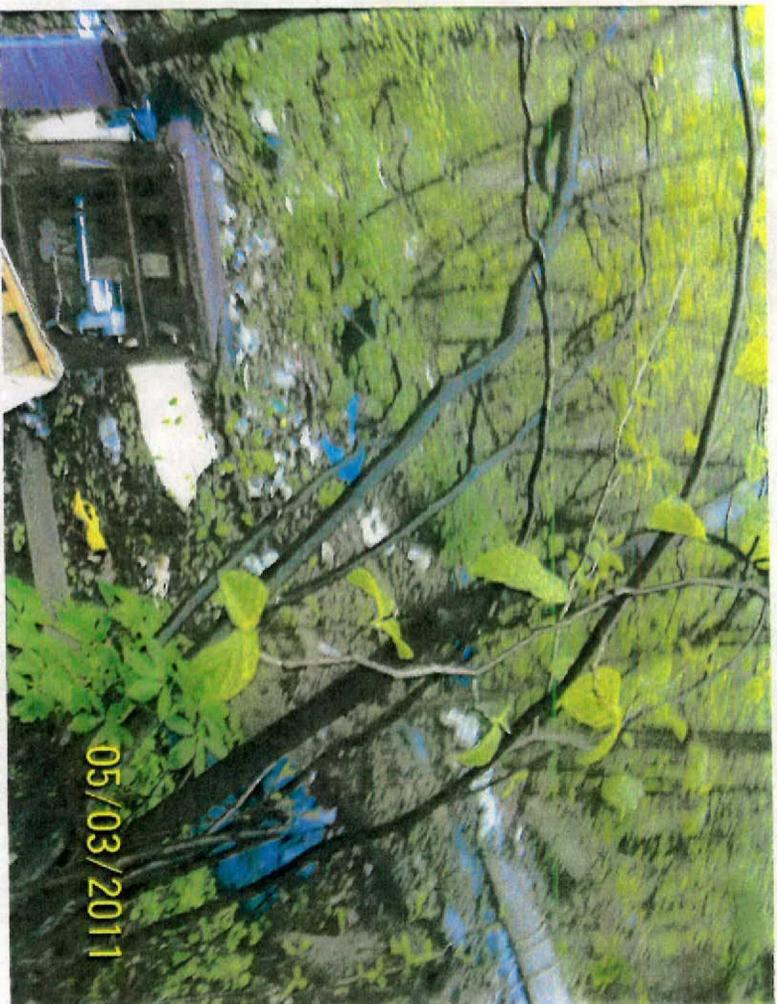


Figure 4 - Clegg Rd. mile long dump 4

BELMONT COUNTY
CLEGG ROAD DUMP
MAY 3, 2011 – ERIKA JACKSON, DMWM/SEDO



Figure 5 - Clegg Rd. mile long dump 5

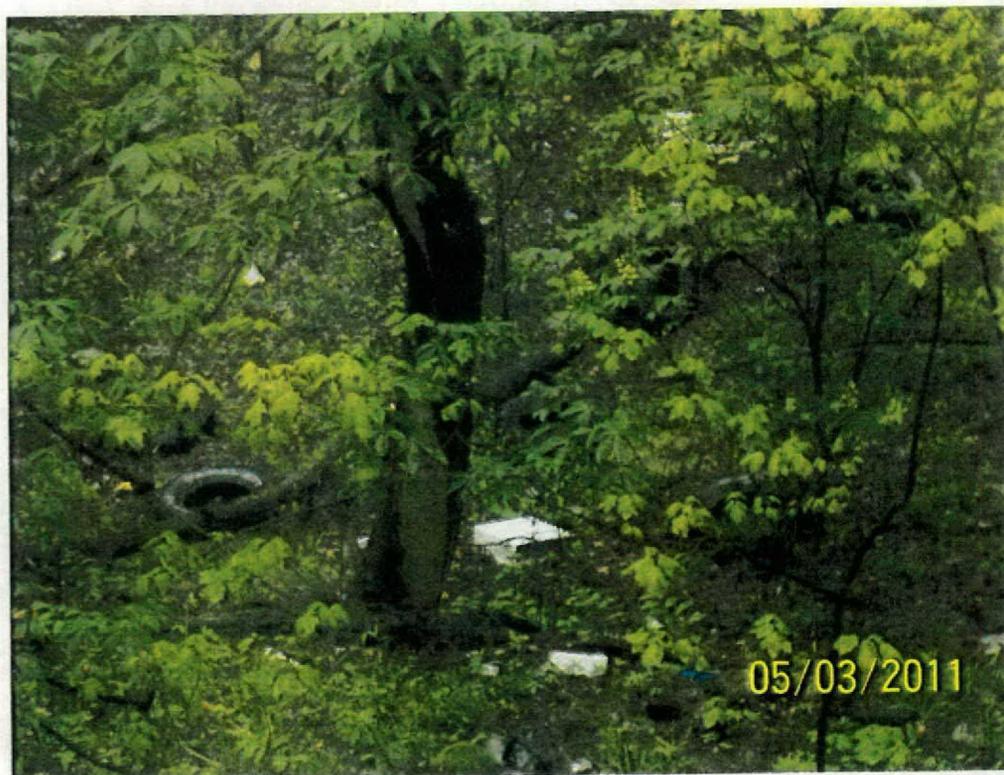


Figure 6 - Clegg Rd. mile long dump tires 1

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CLEGG ROAD DUMP
MAY 3, 2011 – ERIKA JACKSON, DMWM/SEDO

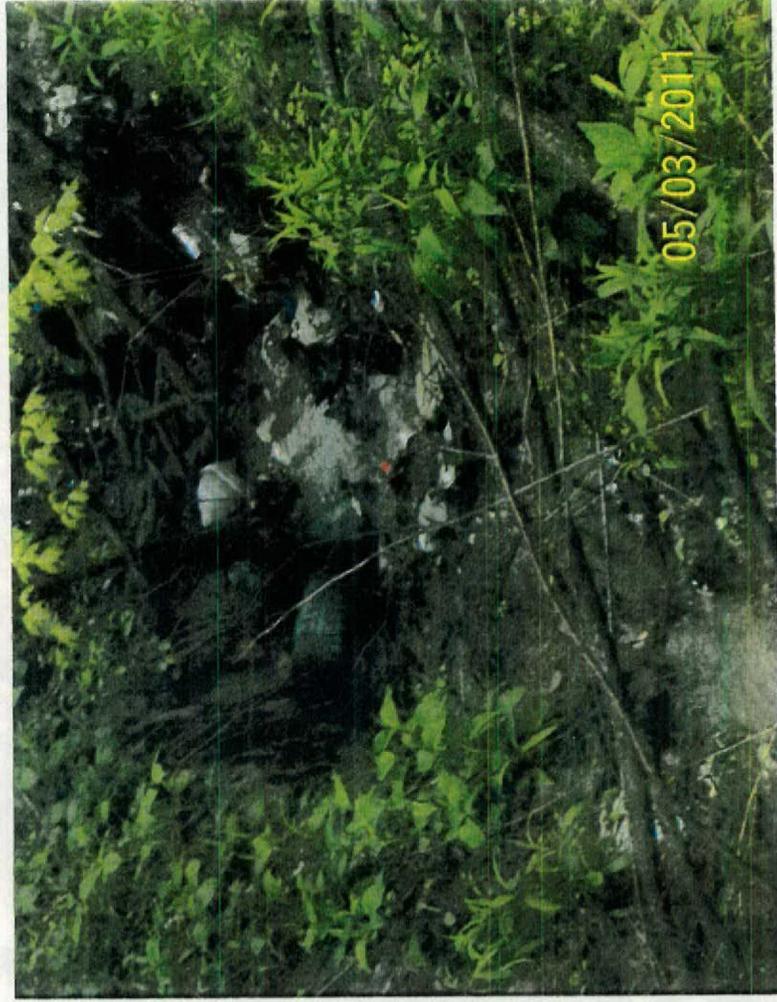


Figure 7 - Clegg Rd. mile long dump tires 2



Figure 8 - Clegg Rd. mile long dump tires 3

BELMONT COUNTY
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Figure 9 - Clegg Rd. mile long dump. tires 4