



**Environmental  
Protection Agency**

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

May 12, 2011

**RE: BELMONT COUNTY  
SITE - GENERAL**

Mr. John Nicolozakes  
67705 Friends Church Rd  
St. Clairsville, OH 43950-9720

Dear Mr. Nicolozakes:

On May 10, 2011, Melody Stewart and I of the Ohio Environmental Protection Agency investigated a complaint concerning property owned by Marietta Coal Co., located at 41<sup>st</sup> Street and Noble Street in Bellaire, Ohio. The complaint alleged the open dumping of solid waste and hazardous waste drums on this property. We observed the accumulation of tires, metal and miscellaneous trash on your property along with several drums of used oil.

Based on this inspection, this facility is in violation of Chapter 3734. of the Ohio Revised Code (ORC) and the regulations promulgated thereunder, Chapter 3745. of the Ohio Administrative Code (OAC):

**Solid waste violations:**

**(1) ORC 3734.03 states in part:**

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

**(2) 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.

**BELMONT COUNTY  
SITE - GENERAL  
May 12, 2011  
PAGE 2**

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. Copies of receipts for disposal or recycling should be submitted to this office for proof of disposal.

**Hazardous waste violations:**

**(3) OAC rule 3745-52-11, Hazardous Waste Determination:**

Any person who generates a waste, as defined in rule 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste using the following method: (A) He should first determine if the waste is excluded from regulation under rule 3745-51-04 of the Administrative Code. (B) He must then determine if the waste is listed as a hazardous waste in rules. (C) For purposes of compliance with Chapter 3745-270 of the Administrative Code, or if the waste is not listed as a hazardous waste in rules 3745-51-30 to 3745-51-35 of the Administrative Code, the generator must then determine whether the waste is identified in rules 3745-51-20 to 3745-51-24 of the Administrative Code by either: (1) Testing the waste according to the methods set forth in rules 3745-51-20 to 3745-51-24 of the Administrative Code, or according to an equivalent method approved by the Region V Administrator of U.S. EPA pursuant to 40 CFR 260.21; or (2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.

At the time of the inspection, there were 20 plus used oil drums throughout the facility; the contents of which had not been properly evaluated to determine if they contain hazardous wastes. You must evaluate this waste to determine if it is a listed or characteristic hazardous waste, and send the documentation to this office.

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 solid waste on your property and copies of waste manifests for all hazardous wastes shipped off-site.

If you have any questions, please contact Erika Jackson at (740) 380-5228 or Melody Stewart at (740) 380-5256.

Sincerely,

  
Erika Jackson  
Environmental Specialist II  
Division of Materials & Waste Management

  
Melody Stewart  
Environmental Specialist II  
Division of Materials & Waste Management

EJ/mlm