Ohio | Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 17, 2012

CERTIFIED MAIL 7011 0470 0002 3496 1092

Andre A. Silvers
1029 Market St.
Youngstown, OH 44502

RE: PYATT ROAD, YOUNGSTOWN, MAHONING COUNTY
PARCELS: 53-047-0-043.00-0
NOTICE OF VIOLATION (NOV)

Dear Mr. Silvers:

On February 6, 2012, the Ohio Environmental Protection Agency (Ohio EPA) responded to an open dumping complaint on the property located on Pyatt Road, Youngstown, in Mahoning County, Parcel # 53-047-0-043.00-0 (Property). The undersigned, along with Karen Naples, both of Ohio EPA's Division of Materials and Waste Management (DMWM) Northeast District Office (NEDO) conducted the inspection of the Property.

From the street, it was clearly visible that the following were open dumped on the Property:

- Scrap Tires (see Appendix A, Photos 1 and 2).

The deposition of solid waste, which includes scrap tires, on the Property is a violation of the following:

A. **Ohio Revised Code (ORC) Section 3734.02(C)** states, in part, that "*no person shall establish a new solid waste facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation regarding the facility and method of operation and receiving a permit issued by the Director....*"

B. **ORC Section 3734.05(A)(1)** which states, in part, that "*[n]o person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located....*"

C. **Ohio Administrative Code (OAC) Rule 3745-37-01(A)** which states, in part, that "*[n]o person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste*

treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation...."

D. **ORC Section 3734.03** states in pertinent part "*[n]o person shall dispose of solid wastes by open burning or open dumping....*"

E. **OAC Rule 3745-27-05(C)** which states, in part, that "*[n]o person shall conduct, permit, or allow open dumping....*"

The storage of scrap tires on the Property is a violation of the following:

F. **OAC Rule 3745-27-60(B)** states in part "*[t]he storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with...the standards contained in OAC 3745-27-60(B).*"

G. **OAC Rule 3745-27-60(C)** states in part "*[a]nyone storing scrap tires shall maintain mosquito control*" in accordance with the rule.

Additional information regarding these laws and rules can be found on this website: http://www.epa.ohio.gov/Default.aspx?tabid=2612.

Information on scrap tire disposal facilities can be found here: http://www.epa.ohio.gov/portals/34/document/facility_lists/lic_tire.pdf.

Information on registered scrap tire transporters can be found here: http://www.epa.ohio.gov/portals/34/document/facility_lists/scrap_tire_transporters.pdf.

The owner of the Property needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to joshua.adams@epa.state.oh.us.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to $10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the Property owner is requested to submit written correspondence of the steps that will be taken to attain compliance.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (330) 963-1103, or joshua.adams@epa.state.oh.us.

Sincerely,

Joshua D. Adams, R.S.
Environmental Specialist
Division of Materials and Waste Management

JDA/cl

cc: Jennifer Jones, Youngstown Litter Control & Recycling
File:[Sowers/COUN/youngstown/GEN/50]

Appendix A: Photo 1

Scrap Tires
Taken by Joshua Adams, Ohio EPA
Pyatt St., Mahoning County 2/6/11

Appendix A: Photo 2