



Environmental
Protection Agency

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

May 3, 2012

CERTIFIED MAIL

Mr. John Michael Hoagland
4746 State Route 718
Troy, Ohio 45373

**RE: Notice of Violation- Open Dumping
Property located at 641 South Union, Troy, Miami County**

Dear Mr. Hoagland:

On April 19, 2012, Betty Arthungal and I, representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Materials and Waste Management (DMWM), conducted a site visit at 641 South Union Street (Parcel Numbers D08-090920) in Troy, Miami County, Ohio. The inspection was to determine if scrap tires remain at this address. It was determined that approximately 550 semi tires remain at the back of the property. The scrap tires are both inside and outside of old dilapidated salt barns.

During a phone conversation with the current owner, I was informed that the previous owner was to remove their belongings (including scrap tires) from the property, and the previous owner has defaulted on this agreement. Your business WWJD and Recycling Center LLC is listed as the previous owner.

Allowing your scrap tires to remain on the property (Parcel Number D08-090920) is open dumping of a solid waste. Open dumping of solid waste is a violation of Ohio Administrative Code (OAC) Rule 3745-27-05(C), which states in part:

“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”.

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 6249 (fax)
www.epa.ohio.gov

And Ohio Revised Code (ORC) Section 3734.03, which states in part:

“No person shall dispose of solid wastes...by open burning or open dumping...”

Please be aware that scrap tires must be properly stored and managed in accordance with Ohio's scrap tire regulations pursuant to OAC Rule 3745-27-60. Several scrap tires on the property were observed to have water in them. The owner's failure to keep the tires free of water is a violation of OAC 3745-27-60(C)(1)(b) which states in part:

“Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time.”

This letter serves to inform you that the tires on this property must be removed for proper disposal at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office, (Attn: Jill Olberding), 401 E. Fifth St., Dayton, Ohio 45402-2911.**

Scrap tires can only legally be hauled in loads of 10 (ten) or fewer scrap tires or in any number by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

“Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers.”

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the 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.

Please respond in writing within 15 (fifteen) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and

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641 South Union Street, Miami County
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Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6094.

Sincerely,

A handwritten signature in black ink that reads "Jill Oberding". The signature is written in a cursive style with a large initial "J".

Jill Oberding, R.S.
Environmental Specialist II
Division of Materials and Waste Management

JO/tf

cc: Kathy Jackson, Ohio EPA

7010 1060 0002 4250 6167

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Mr. John Michael Hoagland
4746 State Route 718
Troy, Ohio 45373

PS Form 3811, August 2004

See Reverse for Instructions

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"/> Sender <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
	<p>B. Received by (Printed Name) Hoagland</p>	<p>C. Date of Delivery 5/4/12</p>
<p>1. Article Addressed to:</p> <p>Mr. John Michael Hoagland 4746 State Route 718 Troy, Ohio 45373</p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" 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>	
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