



Environmental
Protection Agency

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

Re: Defiance County
8075 Jericho Road Property
Notice of Violation
DMWM Case No. 10-54

May 17, 2011

Certified Mail 7009 1410 0001 1791 2517

Ms. Tina Custer
8075 Jericho Road
Hicksville, Ohio 43526

Dear Ms. Custer:

On October 20, 2010, I, representing the Ohio Environmental Protection Agency (Ohio EPA) completed an inspection of a property located at 8075 Jericho Road, located in Defiance County (parcel # G190029000600), the results of this inspection were documented in an October 28, 2010, letter. The October 28, 2010, letter documented the following violations:

A violation of **Ohio Revised Code (ORC) Section 3734.03** and **Ohio Administrative Code (OAC) Rule 3745-27-05(C)**, for disposing of solid waste by open burning and the presence of 1,000-1,500 tires located throughout the property.

A violation of **OAC Rule 3745-27-60(C)**, for not maintaining any form of mosquito control for the tires located on the property,

A violation of **OAC Rule 3745-400-04(B)**, for the illegal disposal of construction and demolition debris.

The October 28, 2010, letter requested a response within 30 days of receipt of the letter. The response was to include the following:

- A plan for removing and properly disposing of the scrap tires located on the property. This plan must include the name of a proposed transporter, a proposed amount of tires to be removed from the property per month, and a proposed date when all scrap tires will be removed from the property.
- A plan for mosquito control in scrap tires, which will be implemented until all scrap tires have been removed from the property.
- A plan for managing and properly disposing of solid waste generated at the property. This plan must include the hauler and the disposal location of solid waste generated on the property.
- A plan for managing and properly disposing of construction and demolition debris generated through the demolition of the mobile homes on the property. This plan must include what materials generated through the demolition of the mobile homes will be re-used and specific examples of how these materials will be reused. For materials that cannot be re-used or recycled the plan must indicate how the materials will be managed and properly disposed.

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- Disposal receipts, indicating proper disposal of solid waste observed located around the burn area and scattered throughout the property.
- Photographs indicating that the solid waste observed located around the burn area and scattered throughout the property has been removed and properly disposed.
- Photographs indicating that construction and demolition debris generated from the demolishing of mobile homes, including debris located on the adjoining parcel has been cleaned up and properly managed.

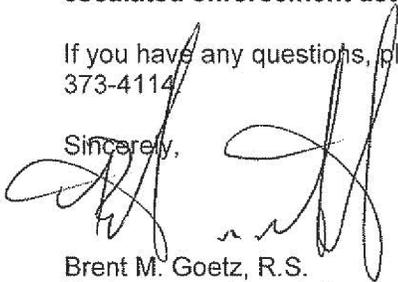
To date no response has been received by Ohio EPA. On May 3, 2011, I conducted a follow up inspection at your property; I was accompanied by Tyler Madeker, also representing Ohio EPA. Dan Custer was present and served as a representative of the property during the inspection.

During the inspection it was noted that while open burning appeared to have been ceased, the partially burnt materials and ash still remained in the location where burning was taking place. Additionally, no progress had been made in cleaning up any tires or C&DD. Therefore you continue to be in violation of **Ohio Revised Code (ORC) Section 3734.03** and **Ohio Administrative Code (OAC) Rule 3745-27-05(C)**, for the presence of 1,000-1,500 tires located throughout the property. **OAC Rule 3745-27-60(C)**, for not maintaining any form of mosquito control for the tires located on the property, and **OAC Rule 3745-400-04(B)**, for the illegal disposal of construction and demolition debris.

I again request a response within 30 days of receipt of this letter. The response must include responses to the items previously requested in the October 28, 2010, letter (listed in bullets above). **Failure to respond to this letter and take action to address the violations listed above may result in escalated enforcement action.**

If you have any questions, please feel free to contact me at Ohio EPA, Northwest District Office (419) 373-4114.

Sincerely,



Brent M. Goetz, R.S.
Environmental Specialist
Division of Materials and Waste Management

/cs
pc: File: DMWM-SW, Defiance County, Tires
ec: Mike Reiser, NWDO, DMWM
Tom Cikotte, NWDO, DAPC
Rick Hassinger, NWDO, SIU
Lennis Prigge, Defiance County Health Department