



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

August 20, 2012

**RE: FORMER AFFORDABLE AUTO SITE
7071 LEDGE ROAD
NOTICE OF VIOLATION**

CERTIFIED MAIL 7012 1010 0002 2260 0574

Aaron Miller
14407 Old State Road
Middlefield, Ohio 44062

Dear Mr. Miller:

On August 17, 2012, Ohio Environmental Protection Agency (Ohio EPA), inspected the former Affordable Auto Parts & Wrecking (Affordable Auto) located at 7071 Ledge Road in Thompson, Ohio. Affordable Auto was also known as Thompson Auto Salvage, and Guaranteed Auto Recycling. You are the new owner of the property since the property transferred to you on May 11, 2012. Ohio EPA understands that you bought the property with existing open dumped solid waste and construction and demolition debris (CDD). As the property owner, you are now responsible for the cleanup of the property. This letter provides a notice of violations regarding the open dumping of solid wastes and CDD on the property.

The purpose of the inspection was to determine the current condition of the property, including determining if any open dumped solid wastes have been removed or added to the property. Solid wastes on the property include approximately 8,000 scrap tires. Please see the attached four photos from the August 17, 2012 inspection.

Attending the inspection were you; Michael Matsik, Sheriff's Deputy, Geauga County Sheriff's Office; Eric Robb, Geauga County Health District; and I, representing Ohio EPA, Division of Materials and Waste Management. The inspection included walking the property from the front garage building to an abandoned camper trailer approximately 1,000 feet from the road. The existing debris on the property has remained essentially unchanged. Many weeds and small trees are growing throughout the debris areas.

We did not walk to the far east end of the property which is a little over a half mile. However, Deputy Sheriff Matsik did walk to the back on the property on August 15, 2012 and verified that the solid waste mound was still present at the east end of the property. The mound, containing scrap tires, and pieces of metal, glass and plastic, was used as a shooting range backstop by the former owner. The mound is considered solid waste.

Observations and violations are below. Ohio EPA observed the following:

1. Piles of mixed debris containing both CDD and solid waste. Solid wastes include three old boats, car parts, burned out trailer, empty drums and buckets, pressurized tanks, industrial (slag-like) waste, furniture, and miscellaneous debris.
2. Approximately 8,000 scrap tires.
3. Semi-trailer and several small trailers, all in poor condition.

4. Contaminated soils, containing solid waste fragments (metals and plastics, most are auto-related) and spilled auto fluids. Most contaminated soils are near the west end of the property near the building. Contaminated soils are also in the shooting range backstop.

VIOLATIONS

1. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping of solid wastes

This rule states in part, *"No person shall conduct, permit, or allow open dumping."*

- A. Ohio EPA observed the following solid wastes disposed on site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass; empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.
- B. The shooting range backstop at the far east end of the property is constructed of scrap tires that are haphazardly distributed along with soil containing solid waste fragments of metals, plastics and glass. Because the solid waste is mixed in the soil, the soil pile in the backstop is considered solid waste.
- C. There are at least 8,000 scrap tires on the property. Scrap tires are considered solid waste. The scrap tires must be removed by a registered scrap tire transporter.

To achieve compliance, all solid wastes must be removed and properly disposed of at a licensed solid waste disposal facility. Also, you must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District. We discussed that it is most important to remove the scrap tires first to prevent mosquito breeding areas and the potential fire hazard.

2. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

This law states in part, *"No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."*

Ohio EPA observed the following solid wastes disposed on site: plastic debris, several piles of a brown unknown waste (appears to be industrial waste), scrap tires, plastic buckets, piles of soil containing fragments of metals, plastics and glass; empty drums, plastic containers, old pressurized gas cylinders, and unidentifiable mixed debris.

To achieve compliance, all solid wastes must be removed and properly disposed of at a licensed solid waste disposal facility. Also, you must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District.

3. OAC 3745-400-04(B) Illegal disposal of CDD

This rule states in part, “. . . No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code . . .”

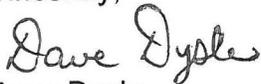
The CDD disposed on the property includes old lumber, carpet, shingles, plastic pieces, and metal debris.

To achieve compliance, all CDD must be removed and properly disposed of at a licensed CDD facility or solid waste disposal facility. Also, you must provide copies of all disposal receipts to Ohio EPA and Geauga County Health District. CDD that is mixed with solid waste is considered solid waste and must be disposed at a licensed solid waste facility.

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 you from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Please provide a written response to the above violations within 15 days of receipt of this letter. Please include a schedule and description of compliance activities. As we discussed, the scrap tires should be removed first in order to prevent mosquito breeding and remove the potential fire hazard. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

Attachment: photos

cc: Kelly Jeter, DMWM, CO
Eric Robb, Geauga County Health District
Michael Matsik, Sheriff's Deputy, Geauga County Sheriff's Office
File: [Sowers/COUN/Affordable Auto/GEN/28]



