



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

November 26, 2012

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Saady A. Abouhashem
aka Saady A. Hashem
4745 Fairway Drive
Brooklyn, Ohio 44114

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Fadwa S. Abouhashem
4745 Fairway Drive
Brooklyn, Ohio 44114

**RE: NOTICE OF VIOLATION
OPEN DUMPING AND ILLEGAL DISPOSAL**

To Whom It May Concern:

On November 19, 2012, Gerald Murphy, representing the Cleveland Department of Public Health, and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a site investigation on the property located at 2285 Ashland Road (subject property) in Cleveland, Cuyahoga County, Ohio. There was no one representing the site during this inspection. During the investigation, I observed open dumping of solid waste and scrap tires, and illegal disposal of construction and demolition debris (C&DD) on the subject property. In addition, there were two new piles of solid waste dumped on the property since the time of my last inspection (see pictures #1-2). A large pile of trees, dirt, tires, C&DD and solid waste has been pushed against the concrete retaining wall located alongside the railroad tracks on the northeast side of the property (see picture #3-4). I observed an area where soil and clean hard fill were spread out, leveled, and graded (see picture #5). Mixed in with the soil and clean hard fill was solid waste, tires and dimensional lumber. A Kurtz Bros. roll-off box was on the property. Tires have been removed from the property since the time of my last site inspection.

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I conducted an inspection of the subject property as a follow-up to previous inspections conducted on February 24, 2005, March 23, 2006, March 13, 2007, August 3, 2010, July 21, 2011, January 9, 2012, June 28, 2012, August 23, 2012 and November 19, 2012, by Ohio EPA Division of Materials and Waste Management (DMWM). The purpose of my inspection was to determine compliance with Ohio's solid waste and construction and demolition debris rules.

Upon completing my inspection of the subject property, I determined that the following violations of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) continue to exist at the subject property:

- 1. Illegal Disposal of Construction and Demolition Debris (C&DD):** During the inspection C&DD wastes, including but not limited to, concrete piles, two large dirt piles containing brick and block and a large brick pile were observed illegally disposed of on this property (see pictures #6-8). In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all C&DD illegally disposed on this property and properly dispose of it at a licensed C&DD or solid waste disposal facility. Receipts providing proof of disposal at a licensed C&DD or solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent C&DD from being illegally disposed on this property.

The illegal disposal of C&DD on this property is a violation of the following laws and rules:

- **ORC Section 3714.06(A):** *"No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license issued by...the director of environmental protection."*
- **ORC Section 3714.13(A):** *"No person shall violate any section of this chapter."*
- **ORC Section 3714.13(B):** *"No person shall violate a rule adopted under this chapter."*
- **OAC Rule 3745-400-04(B):** *"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code."*

- **OAC Rule 3745-37-01(C)**: *"No person shall establish, modify, operate or maintain a construction and demolition debris facility without a construction and demolition debris facility license issued by the licensing authority..."*

2. **Open Dumping of Solid Waste:** During the inspection, solid waste, including but not limited to household waste, household appliance parts, plastics, and automobile parts were observed open dumped on this property (see pictures #9-11). In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all solid waste open dumped on this property and properly dispose of it at a licensed solid waste disposal facility. Receipts providing proof of disposal at a licensed solid waste facility must be provided to Ohio EPA. The owner(s) of this property must also take all necessary measures to prevent additional solid waste from being open dumped on this property.

The open dumping of solid waste on this property is a violation of the following laws and rules:

- **ORC Section 3734.03**: *"No person shall dispose of solid wastes by open burning or open dumping..."*
- **ORC Section 3734.02(C)**: *"...no person shall establish a new solid waste facility...without submitting an application for a permit...and receiving a permit issued by the director..."*
- **ORC Section 3734.05(A)(1)**: *"...no person shall operate or maintain a solid waste facility without a license issued under this division...by the director of environmental protection..."*
- **ORC Section 3734.05(A)(2)**: *"...each person proposing to open a new solid waste facility...shall submit an application for a permit...to the environmental protection agency for required approval under the rules adopted under division (D) of section 3734.121 of the Revised Code at least two hundred seventy days before proposed operation of the facility..."*
- **ORC Section 3734.11(A)**: *"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."*

- **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*
- **OAC Rule 3745-37-01(A)**: *“No person shall conduct municipal solid waste landfill...operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from...the director...”*

3. **Open Dumping of Scrap Tires:** During the inspection, Ohio EPA observed scrap tires open dumped at your property (see pictures #12-13). A semitrailer containing passenger car and truck tires was located on the property. Scrap tires were located along the northeast side of the property along the railroad tracks. Additional tires have been removed from the property since the time of the last inspection. No tire transporter receipts have been submitted to the Ohio EPA for the removal of these tires to date.

The owner(s) of the property where the scrap tires are open dumped are in violation because they have either open dumped scrap tires or allowed scrap tires to be open dumped. The open dumping of scrap tires at this location is a violation of the following:

- **ORC Section 3734.03**: *“No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...”*
- **OAC Rule 3745-27-05(C)**: *“No person shall conduct, permit, or allow open dumping.”*

In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all scrap tires from these properties and transport them via a scrap tire transporter which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio.

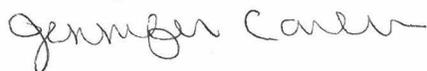
Please address the above violations, and notify me, in writing, within 30 days of receiving this letter. The response should indicate the measures which have been taken to correct these violations.

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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 or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1133 or e-mail me at "[jennifer.carlin@epa.state.oh.us.](mailto:jennifer.carlin@epa.state.oh.us)"

Sincerely,



Jennifer Carlin
Environmental Specialist
Division of Materials and Waste Management

JC/cl

cc: Matt Boyer, DMWM-CO
Gerald Murphy, Cleveland Department of Public Health
File: [Sowers/Tire/Ashland Road/18]

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Appendix A: Picture 1

Taken by Jennifer Carlin – November 19, 2012

New Solid Waste Piles



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Appendix A: Picture 2

Taken by Jennifer Carlin – November 19, 2012

New Solid Waste Piles



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Appendix A: Picture 3

Taken by Jennifer Carlin – November 19, 2012

Solid Waste Pushed Along the Railroad Tracks



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Appendix A: Picture 4

Taken by Jennifer Carlin – November 19, 2012

Solid Waste Pushed Along the Railroad Tracks



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Appendix A: Picture 5

Taken by Jennifer Carlin – November 19, 2012

Soil and Solid Waste Graded and Leveled



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Appendix A: Picture 6

Taken by Jennifer Carlin – November 19, 2012

Concrete Pile



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Appendix A: Picture 7

Taken by Jennifer Carlin – November 19, 2012

Brick Pile



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Appendix A: Picture 8

Taken by Jennifer Carlin – November 19, 2012

Dirt Pile Mixed with Brick and Block



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Appendix A: Picture 9

Taken by Jennifer Carlin – November 19, 2012

Solid Waste Pile



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Appendix A: Picture 10

Taken by Jennifer Carlin – November 19, 2012

Solid Waste



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Appendix A: Picture 11

Taken by Jennifer Carlin – November 19, 2012

Solid Waste Pushed Along Railroad Tracks



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Appendix A: Picture 12

Taken by Jennifer Carlin – November 19, 2012

Scrap Tires Pushed Along the Railroad Tracks



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Appendix A: Picture 13

Taken by Jennifer Carlin – November 19, 2012

Scrap Tires Pushed Along the Railroad Tracks

