



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

December 21, 2012

**RE: NOTICE OF VIOLATION
OPEN DUMPING
SCRAP TIRES
CARROLL COUNTY**

Mr. Kevin Lee Ray
3133 Apollo Road SW
Carrollton, Ohio 44615

CERTIFIED MAIL 7012 1010 0000 9467 7339

Mr. Edward Koch
4292 Waynesburg Rd NW
Carrollton, Ohio 44615

CERTIFIED MAIL 7012 1010 0000 9467 7346

Dear Mr. Ray and Mr. Koch:

On November 9, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint inspection of the property, located at 3133 Apollo Road SW in Lee Township, Carroll County, Ohio (Property), as well as at the adjacent property, also owned by Mr. Koch. The purpose of this inspection was to determine compliance with Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC), as they pertain to scrap tires.

The following observations were made during this inspection:

1. Approximately 200 scrap passenger car and truck tires were piled or stacked on the ground in multiple locations around the Property. The scrap tires were tarped with blue plastic tarps.
2. An undetermined number of tires were observed in the garage on the adjacent property owned by Mr. Koch. The garage could not be safely accessed. It is alleged that the scrap tires were placed there by Mr. Ray.
3. The house on the adjacent property was locked and inaccessible.

Based on the above observations and OAC Rule 3745-27-60(A), the following violations were found to exist at the Property during this inspection:

1. **Open Dumping of Scrap Tires:** Ohio EPA observed approximately 200 scrap tires open dumped at the Property. An undetermined number of scrap tires were observed stacked in the garage on the adjacent property.

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The owner and current residents of the Property where the scrap tires are open dumped are in violation because they have either open dumped or allowed to be open dumped scrap tires at this Property. The open dumping of scrap tires at this Property is a violation of the following:

- A. **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...”*
- B. **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 or current residents of the Property must immediately remove all scrap tires from the Property 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.

You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: “<http://www.epa.ohio.gov/dmwm/Home/ScrapTires.aspx>”.

You need to immediately take the necessary measures to return to compliance with Ohio’s environmental laws. Within 14 days of receipt of this letter, you are 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 jerry.weber@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, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Upon completing this inspection of the Property located at 3133 Apollo Road SW, it was determined that the scrap tires open dumped at that location constitute a nuisance and a hazard to public health and safety. Failure to correct the above violations may result in escalated enforcement action being taken against you by Ohio EPA.

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If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274, or via e-mail at jerry.weber@epa.state.oh.us.

Sincerely,



Jerry W. Weber, RS
Environmental Specialist
Division of Materials and Waste Management

JWW/cl

cc: File: [Jarnal Singh/TIRE/Carroll County/GEN/10]

ec: Christopher Williams, DAPC-NEDO
Rich Blasick, DSW-NEDO
Bart Ray, SIU-NEDO
Kristopher Weiss, PIC