



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

April 11, 2013

**RE: NOTICE OF VIOLATION
OPEN DUMPING
SCRAP TIRES
EAST LIVERPOOL**

CERTIFIED MAIL 7012 1010 0002 2260 2943

Joseph Ludovici and Jill Orenzuk
1194 Arner Mine Road
Chester, West Virginia 26034

Dear Mr. Ludovici and Ms. Orenzuk:

On April 9, 2013, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a complaint inspection of the property, located at 1331 Pennsylvania Avenue in East Liverpool, Columbiana County, Ohio (Property). 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.

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) exist at the subject property:

1. **Open Dumping of Scrap Tires:** Ohio EPA observed approximately 4,000 scrap tires open dumped at the property. The scrap tires were observed stacked and piled on the ground at the rear of the property, as well as in at least one semi-trailer on the same area of the property. A second semi-trailer was located adjacent to the one with tires in it, but it could not be determined if it was full of scrap tires as well. Scrap tires were also observed in a building adjacent to the semi-trailers, but it could not be determined how many scrap tires were in the building without opening the overhead door.

The owners 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..."*

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- 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 owners 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.ohio.gov.

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 1331 Pennsylvania Avenue, 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.

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.ohio.gov.

Sincerely,



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

JWW/cl

cc: File: [Singh/TIRE/East Liverpool/GEN/15]
DMWM # None