



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korteski, Director

March 19, 2007

**RE: ADAMS COUNTY**

Mr. Dan Kendrick  
Kendrick & Odell Landscaping  
1702 Licking Pike  
Newport, Kentucky 41076

Dear Mr. Kendrick:

This Agency conducted a follow-up inspection of the complaint that open dumping of scrap tires, a solid waste, and other solid wastes is occurring on your property that is located off of Tater Ridge Road, in Adams County, Ohio. On March 14, 2007, I conducted an inspection of your property that is located at 1690 Tater Ridge Road to determine the compliance of your scrap tire piles and other solid waste in accordance with 3745-27-60 of the Ohio Administrative Code and 3745-27-05 of the Ohio Administrative Code. During this inspection no one was home.

I want to let you know that I am in receipt of the letter that you sent to the Adams County Health Department dated March 23, 2006. This letter indicates that the dump was inherited when your father purchased the property and that you have been working to cleanup the property. I would like to thank you for your efforts; dump cleanups are costly and difficult. Your letter stated that you would try and cleanup the property during the spring of 2006, or when the weather permits. Your letter also states that you have been removing the wastes to Pike Sanitation.

During this last inspection, I did observe wastes in the sink hole on your property including scrap tires. Until all of the scrap tires and other solid wastes are removed from the property, violations of Ohio's solid waste laws will continue.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(24) "solid waste" includes scrap tires.

Scrap tires must be properly stored and managed in accordance with the Ohio Administrative Code Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

Presently, you are in violation of the following referenced rules.

1. Pursuant to Ohio Administrative Code (OAC) 3745-27-60(B), the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety or a fire hazard unless the tires are stored in accordance with specific standards set forth under Ohio Administrative Code 3745-27-60(B)(1) through (10).

2. The law requires control of disease vectors related to any storage of scrap tires.

(OAC) 3745-27-60(B)(8)(a) and (b), the following must be done to control mosquito populations: (1) remove liquids from the scrap tires and immediately store the scrap tires such that water does not accumulate in scrap tires or containers, or (2) apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture, at no greater than (30) day intervals or as recommended by the manufacturer or formulator. The failure to control mosquito populations presents a threat to human health and safety.

It appears that no mosquito control is being conducted by you. Many tires were full of water; this is a violation.

3. OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734, of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Scrap tires and other solid wastes are dumped on the ground.

4. Ohio Revised Code Chapter 3734.03 states in part, "No person shall conduct, permit, or allow open dumping."

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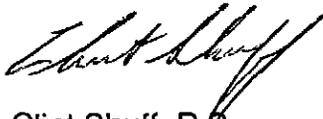
Presently, you are in violation of the above referenced rules.

All scrap tires and solid wastes located on your property must be removed and taken to a licensed solid waste disposal facility for proper disposal. Obtain receipts from the landfill that received the wastes and provide those copies to this District Office in order to document your compliance. I am requesting that you respond to me at this District Office within ten days of receipt of this letter to indicate your intentions and actions taken regarding your open dump.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his/her obligation to comply with other applicable State and Federal laws and regulations.

Should you have any questions, feel free to contact me at this Agency at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

CS/jg

cc: Jason Work, Adams County Health Department