OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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

December 20, 2007

RE: ADAMS COUNTY
TIRES - GENERAL
30000048

Mr. and Mrs. Charles Koenig
19060 State Route 125
Lynx, Ohio 45650

Dear Mr. and Mrs. Koenig:

This Agency received a complaint on December 7, 2007, that open dumping and burning of scrap tires, a solid waste, is occurring on your property that is located off of state Route 125, in Adams County, Ohio. On December 18, 2007, I conducted an inspection of your property that is located at 19060 State Route 125 to determine the compliance of your scrap tires in accordance with 3745-27-60 of the Ohio Administrative Code and 3745-27-05 of the Ohio Administrative Code.

I met with Melissa Koenig on this day to discuss the open dumping and burning. I was informed that the property contained scrap tires along with junk cars that at one time was a junk yard. Some of the cars and tires had been cleaned up. I was informed by Mrs. Koening that approximately 40 scarp tires dumped on the property burnt on December 7, 2007, with other solid wastes. Until all of the scrap tires and solid wastes are removed and properly disposed, violations of Ohio's solid waste laws will continue. The burnt tire rims can be recycled, the burnt steel belts will need to be removed along with the burnt tire pieces in the soil and the other solid wastes and taken to a licensed solid waste landfill.

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.

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 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."

Scrap tires and solid wastes are dumped on the ground.

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. I suggest that you obtain the services of a registered scrap tire transporter to assist you in your scrap tire waste management.

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
cc: Karen Sapp, Adams County Emergency Management Agency
cc: Louis Boerger, Portsmouth Local Air Authority