



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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www.epa.state.oh.us

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

March 3, 2008

**RE: ADAMS COUNTY  
TIRES - GENERAL  
NOTICE OF VIOLATION  
30000124**

Mr. Thomas Estill  
6097 Mineral Springs Road  
Peebles, Ohio 45660

Dear Mr. Estill:

This Agency received a complaint that open dumping and burning of scrap tires is occurring on property located off of Mineral Springs Road in Adams County. I conducted an inspection of the property on February 27, 2008, and observed approximately 40 scrap tires dumped behind a house and also observed that some of the scrap tires were burned. I was informed that you are renting the property at 6097 Mineral Springs Road.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(6) "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).

Scrap tires are dumped and burned on the ground.

2. 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.

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Scrap tires are dumped on the ground.

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

Scrap tires are dumped on the ground.

4. OAC 3745-27-79(C) Priorities for Remediation of Scrap Tire Fire Sites.

(1) After the occurrence of a fire at a site or facility, the responsible individual shall complete the following actions, as prioritized:

- (a) Priority 1: Within seven days of the occurrence of a fire at a site or facility notify in writing the Ohio EPA District Office in which the site or facility is located, the Solid Waste Management District, The Ohio EPA Central Office, and the Local Health Department. The Responsible individual shall include in the notification the name and telephone number of the contact person reporting the fire; the address or location of the scrap tire fire; the date and duration of the scrap tire fire and the quantity of tires involved to the extent known.
- (b) Priority 2: Remove all whole and partially burned tires as soon as possible to reduce the possibility of additional fires. Partially burnt tires shall be disposed of as a solid waste.
- (c) Priority 3: Containerize all visible fire residue to avoid further migration of contaminants by wind and precipitation.
- (d) Priority 4: Characterize the containerized fire residual to determine if the material meets the definition of a hazardous waste as defined in chapters 3745-51 and 3745-52 of the Administrative Code.
- (e) Priority 5: Remove all containerized fire residue from the site or facility and dispose of the residue in a licensed sanitary landfill if characterized as a solid waste; or manage and dispose in accordance with applicable state and federal laws.

OAC 3745-27-79(E)(a) Soil Contamination, material shall be disposed of at a sanitary landfill unless the material is a hazardous waste as defined in chapter 3745-51 of the OAC.

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

Open dumping and burning of scrap tires a solid waste must cease immediately. All scrap tires and scrap tire residuals that are burnt on your property must be removed and taken to a licensed solid waste disposal facility or recycling 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.

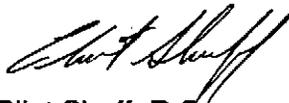
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The closest scrap tire facilities to Adams County is Pike Sanitation in Waverly, Ohio ((740) 947-5756) and Rumpke Landfill in Georgetown, Ohio. You may use other facilities as well. You should contact one of these facilities to assist you in removing and properly disposing the remaining scrap tires.

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  
cc: Cindy Charles, Portsmouth Local Air Authority