



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

March 30, 2009

**RE: ADAMS COUNTY  
TIRES - GENERAL  
30000792**

Mr. Richard Nichols  
212 Kurt Street  
West Union, Ohio 45693

Dear Mr. Nichols:

This Agency received a complaint that open dumping of scrap tires, a solid waste, is occurring on property that is located at the intersection of Lee and Watts Street, in Adams County, Ohio. On March 3, 2009, I conducted an inspection of the property. I was accompanied by Jason Work with the Adams County Health Department.

During this inspection, I observed that approximately 20 scrap tires are next to the garage, and the garage with no floor was full of solid waste (garbage). Property records obtained from the Adams County Courthouse indicate that you are the property owner. I have enclosed a copy of the records and aerial map that I received from the courthouse. As the Trustee, you are responsible for the cleanup of the property.

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).
2. (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.

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It appears that no mosquito control is being conducted by you. Some of the tires contained 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 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.

Open dumping of scrap tires and solid waste must cease immediately. All scrap tires and solid waste 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 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

**212 KURT ST**

ACRES: 5.96600 OR QTY 570 NO ENT 3058 WATER COURSE EAG CR ORIG PROP N MASSIE	PROP TYPE 2	NEIGHBORHOOD 02100	TOPOGRAPHY 26
DEED 0115/0264 ACRES 5.970	PARCEL LUC 511	NEIGH DESIRE 3	ACCESS 0
		NEIGHB TREND 4	UTILITIES 1

- L LOT**
- 1 FRONT LOT
  - 2 BACK LOT
- A ACREAGE**
- 0 ROW
  - 1 PRIMARY SITE
  - 2 SECONDARY SITE
  - 3 RESIDUAL
  - 4 UNDEVELOPED
  - 5 TILLABLE
  - 6 ORCHARD
  - 7 PASTURE
  - 8 WOODLAND
  - 9 WASTE
  - H HOMESITE
  - S SUBTOTAL
- S SQUARE FEET**
- 1 PRIMARY SITE
  - 2 SECONDARY SITE
  - 3 RESIDUAL
  - 4 UNDEVELOPED
- G GROSS**
- 1 SITE VALUE
  - 2 DETAILED REPORT
  - 3 UNIT
  - 4 BOR/BTA/CCP
- LAND ADJUSTMENTS**
- 1 TOPOGRAPHY
  - 2 STREET/ROAD
  - 3 UTILITIES
  - 4 LOCATION
  - 5 SHAPE & SIZE
  - 6 STATUS
  - 7 RESTRICTIONS
  - 8
  - 9
  - 10
  - X FACTOR
  - S SMALL ACRE

LAND INFORMATION														
TYPE	EFF FRONT SQFT	ACTUAL ACRE	EFF FRONT/UNIT	EFF DPT	BASE SIZE	O DPT RATE R TBL	ADJ RATE	BASE VALUE	OTHER CODE / %	LAND ADJUSTMENTS CODE / %	CODE / %	CODE / %	TRUE VALUE	
A3	4,966	0	0	0.00		10,000.00 Y 150	10,000.00	49,660	S / 58	/ 100	/ 100	/ 100	27,810	
AH	1,000	0	0	0.00		15,000.00 Y 150	15,000.00	15,000	X / 100	/ 100	/ 100	/ 100	15,000	
<b>TOTAL ESTIMATED ACRES</b>												5.966	<b>TOTAL LAND VALUE</b>	42,800

TRANSFERS						
DATE	# PRCLS	CONVEYANCE #	SALE PRICE	VALID	PREVIOUS OWNER	
11/06/2000	1	1333		0 Y	NICHOLS RICHARD L	
05/21/1997	1	619	16,800	N	GUTMAN JONATHON	
05/21/1997	0	0	0	N	Unknown	

CURRENT VALUE RECORD			
APPROACH	LAND	IMPROVEMENTS	TOTAL
Applied	42,800	164,800	207,600

VALUE ALLOCATION		
PROPERTY	EXEMPTION	ABATEMENT
Land Improvement		
Total		
Approach		

COMPARABLE SALES		
Parcel Number	Sale Date	Sale Price

REAL PROPERTY VALUE HISTORY				
YEAR	LAND	IMPROVEMENT	TOTAL	REASON
2007	42,800	164,800	207,600	120
2004	42,800	145,100	187,900	120
2002	16,500	145,300	161,800	110

APPROACH	LAND	IMPROVEMENTS	TOTAL
Cost approach:	42,800	159,400	202,200
Income approach:			
Market approach:			
Trended approach:			
Override approach:			





7

700 W  
768 AC

7  
102 AC

117-42-01

MAP. 117-42