OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

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

April 20, 2009

ADAMS COUNTY
TIRES - GENERAL
20060567

Mr. and Mrs. Len Davis
410 Laurel Road
West Union, Ohio 45693

Dear Mr. and Mrs. Davis:

This Agency conducted a follow-up inspection of the complaint that open dumping of scrap tires, a solid waste, is occurring on your property that is located off Laurel Road, in Adams County, Ohio. On April 16, 2009, I conducted an inspection of your property that is located at 410 Laurel Road. The purpose of the inspection was to determine the compliance of your scrap tire piles in accordance with 3745-27-60 of the Ohio Administrative Code and 3745-27-05 of the Ohio Administrative Code. I was accompanied by Jason Work with the Adams County Health Department on this inspection. We met with you on this day to discuss the removal and proper disposal of the scrap tires.

During this inspection, I observed that approximately 2,000 scrap tires exist on your property. This site was formerly a junk yard that you purchased. I observed that you have a roll-off box from Pike Sanitation at the site and currently are staging tires from the dump site around the roll-off bend, and have filled this roll off box. You should immediately start spraying your scrap tires with an insecticide.

Please provide to me copies of scrap tires receipts where you have removed and properly disposed of scrap tires at an approved facility.

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)(6)(d) - Scrap tire storage piles of more than 500 scrap tires shall be separated from other scrap tire storage piles and buildings and structures by a fire lane with a width equal to or greater than 56 feet in accordance with the fire lane chart described in paragraph (F) of Rule 3745-27-65 of the Administrative Code.

   OAC 3745-27-60(B)(6)(e) - Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves.

   OAC 3745-27-60(B)(6)(f) - Sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas.

   You are not maintaining sufficient fire lanes.

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

3. 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.

4. 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 are dumped on the ground.

5. 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.

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

All scrap tires a 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 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
cc: Karen Sapp, Adams County EMA