



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

July 21, 2008

**RE: ADAMS COUNTY
SITE - GENERAL**

Mr. Tom Baker
14264 State Route 41
West Union, Ohio 45693

Dear Mr. Baker:

The Southeast District Office of Ohio EPA conducted a follow-up inspection of the complaint that open dumping of scrap tires, solid wastes, and junk cars is occurring on property off of State Route 41, in Adams County, Ohio. I conducted an inspection of your property on May 10, 2008. This property is not registered with the Adams County Auditor as a junk yard, nor is this property registered as a salvage yard with the Ohio Bureau of Motor Vehicles.

I observed that approximately 3000 scrap tires, solid wastes, and junk cars, have been dumped and disposed of on this property. I met with you on this day to discuss the complaint. You stated that you would remove and properly dispose of the scrap tires, and that you would cover or store the good scrap tires in a building for resale. You were also cutting up scrap metal to recycle at Livingston's Scrap Yard in Portsmouth, Ohio.

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.

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).

OAC 3745-27-60(B)(6)(d) - Scrap tire storage piles of more than five hundred 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 fifty-six 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.

(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.

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.

Open dumping and open burning of solid waste is a violation of Chapter 3734 of the (ORC) and Chapter 3745-27 of the (OAC).

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

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.

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

Open dumping and disposal of scrap tires, solid wastes, and junk cars, must cease immediately. All scrap tires, solid wastes, and junk cars disposed at the described location are to be removed from the property and taken to a licensed solid waste disposal facility or recycling facility for proper disposal.

Obtain copies of receipts from the landfill or waste hauler that received the waste and provide those copies to this District Office in order to document your compliance. Please respond to this District Office within fifteen days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump.

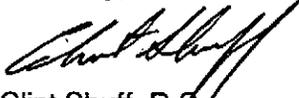
The disposal facility located nearest to you is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. Sundown Tire can be contacted at 740-947-2691. You may choose to use other permitted and licensed facilities as well.

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

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Should you have questions, please contact me at this office 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 Director, 116 West Mulberry, West Union, Ohio