



FILE COPY

State of Ohio Environmental Protection Agency

Central District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Laura H. Powell, Acting Director

January 9, 2007

Re: **37 Auto Parts
Fairfield County - Rushcreek Township
Scrap Tire Inspection**

Ms. Linda Conrad
205 Pontius Lane
Circleville, OH 43113

Dear Ms. Conrad:

I am writing this letter as a follow-up to a recent inspection conducted at 37 Auto Parts, located at 10637 Purvis Road, Bremen, Ohio that took place during the morning of January 4, 2007. The inspection was attended by Jennifer Valentine of the Fairfield Department of Health and myself from Ohio EPA. The purpose of the inspection was to determine if this property is in compliance with the Ohio EPA's general scrap tire storage requirements as found in Ohio Administrative Code (OAC) Rule 3745-27-60 and to see if any progress has been made in removing scrap tires from the property. During the site visit I took seven (7) photos of the site. It is my understanding that as of yet, no tires have been removed from the property. As a property with a motor vehicle salvage dealer license, you are permitted to have a single scrap tire storage pile that does not occupy more than 2,500 square feet (OAC Rule 3745-27-61(A)(2)(c)). Please note that both tires that are on a rim and tires that are off a rim count as a scrap tire. **The following violations of Ohio Administrative Code still exist at the site as of this inspection:**

3745-27-60(B)(6)(a) - Individual scrap tire piles shall be no greater than two thousand five hundred (2,500) square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of Rule 3745-27-61 of the OAC. **Currently there are several piles of tires at the site. Per Rule 3745-27-61, you are limited to having one distinct pile of tires that does not exceed 2,500 feet in basal area. (Note the height limit for this one allowed pile is 8 feet). Since you have several tire piles on the site, you are in violation of this requirement.**

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. **Currently, the vegetation is not being kept mowed to keep dead grass and weeds from accumulating near the tire piles. Ohio**

EPA acknowledges that Mr. Smith has made considerable effort to separate the on-rim and off-rim tires and to get the scrap tire piles pulled back away from the property and or tree lines. However, the tire piles are not free of combustible material, and therefore you remain in violation of this requirement.

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. Currently, the site does not provide for clear access to all areas where scrap tires are stored. Some storage areas are along the back tree line of the upper portion of the property which does not allow access to the tires by emergency vehicles. Since emergency vehicles can not access all the areas where scrap tires are stored, you are in violation of this requirement.

3745-27-60(6)(8)(a) and (b) - One or more of the following methods shall be done to control mosquitoes at the premises. Remove liquids from the scrap tires and store them in a manner so that water does not accumulate in them. Or, apply a pesticide or larvicide at rates and times recommended by the manufacturer to control mosquitoes. Currently none of the tires are being stored in a manner to keep water from accumulating in them. However, no mosquitoes were found in or around the scrap tire piles. Note that this site can easily become a mosquito problem if the mosquito controls are not put in place during the month of April.

Summary:

In order to obtain compliance with the Ohio EPA regulations regarding the proper management of scrap tires you must take the following actions:

- 1. Organize the accumulations of scrap tires to one manageable pile such that there is no more than 2,500 square feet area taken up by the tires. What makes the most sense is to separate the tires so that one portion of the pile contains on-rim tires and one portion of the pile contains off-rim tires. Please note that the tires in this pile can be no greater than 8 feet in height.**
- 2. Reduce the number of tires that you have at the this site to be in compliance with the 2,500 square feet and 8 feet high limit. Please note that all loads of 10 or more tires must be hauled by an Ohio EPA registered scrap tire transporter to a proper scrap tire facility.**
- 3. Find a way to keep the tires free of water, or, during the active mosquito months, apply a mosquito control agent to keep the tires free of mosquitoes.**

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Please note that failure to obtain compliance with the Ohio EPA's scrap tire requirements may result in the Director of the Ohio EPA issuing you abatement orders under Ohio Revised Code Section 3734.85. Please note that failure to comply with the abatement order may result in Ohio EPA contracting with a third party to remove the tires from this property. Ohio law allows Ohio EPA to seek full cost recovery, which if not paid, could result in a lien being attached to the property for the full cost of the tire removal.

Please take immediate steps to abate the violations as noted in this notice of violation letter. If you have any questions regarding this matter, please feel free to call me at 614-728-3890.

Sincerely,



Phil Farnlacher
Division of Solid & Infectious Waste Management
Central District Office

Enclosure: 7 Site Photos Taken on 1/4/07

c: Jennifer Valentine, Fairfield Dept. of Health w/ Enclosure
Matt Boyer, DSIWM-CO w/ Enclosure
CDO DSIWM File w/Enclosure



Ohio EPA Photos - 37 Auto Parts - 10637 Purvis Road - Rushcreek Township-Fairfield County - Photos Taken by Phil Farnlacher, DSIWM-CDO on 1-4-07



Looking West - Stack of tires located up towards front.



Looking East - Large pile of tires that have been cut in half. These are ones relocated from bottom of site.



Looking West - Stacked pile of tires.



Looking East - Pile of tires that have been cut in half. These are located just north of buses on east property line near middle of salvage yard.



Ohio EPA Photos - 37 Auto Parts - 10637 Purvis Road - Rushcreek Township-Fairfield County - Photos Taken by Phil Farnlacher, DSIWM-CDO on 1-4-07



Looking NE - Pile of tires on rim stacked by buses.

Looking South - SE corner of scrap yard. Most tires on right are stacked and on-rim. Tires in foreground have been cut in half. Tires on left have been cut in half.



Looking West - Pile of tires that have been cut in half. Most of tires in background have also been cut.

