



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

FILE COPY

April 29, 2011

Mr. Larry Moore
3330 Hamburg Road
Lancaster, OH 43130

Re: Notice of Violation – Open Dumping of Scrap Tires

Dear Mr. Moore:

During the morning of April 25, 2011, Jennifer Valentine of the Fairfield Department of Health and I stopped the property you own at the above address. As you are aware from previous inspections conducted by the Fairfield Department of Health, you have an accumulation of scrap tires. Based upon my observations, you have more than 125 scrap tires, with the majority of them located in the small ravine that runs through the property. Several of these scrap tires are large off-road equipment tires.

Please note that scrap tires meet the definition of solid waste per Ohio Administrative Code Rule 3745-27-01(S)(6) which states, "*Scrap tire is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as parts of scrap tires by visual inspection.*"

Furthermore, Ohio Administrative Code Rule 3745-27-01(O)(4)(c) states, "*Open dumping means the following: The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code.*"

By allowing this accumulation of scrap tires on your property, you are **in violation** of Ohio Administrative Code Rule 3745-27-05(C), which states, "*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(s) responsible for the open dumping, the owner of the property, or the person(s) who allow 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.*"

You are also **in violation** of Ohio Revised Code Section 3734.03 which states, "*No person shall dispose of solid wastes by open burning or open dumping.*"

Additionally, scrap tires must be stored in compliance with Ohio Administrative Code Rule 3745-27-60. Your current accumulation of scrap tires are not being stored in compliance with the following provisions of this rule:

OAC 3745-27-60(B)(1) – *Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored.* The majority of the tires are located in the ravine and thus in an area with water collects. These tires should be removed from the ravine and placed into a single pile that is not greater than 8 feet in height.

OAC 3745-27-60(C)(1)(b) – *Anyone storing scrap tires shall maintain mosquito control by storing scrap tires such that water does not accumulate in scrap tires or containers. Tires must be kept free of water at all times.* The majority of the tires at your property contain water which will become a breeding ground for mosquitoes in the upcoming warm weather months. Alternatively, you may also maintain mosquito control in the tires by keeping the tires treated with a mosquito larvicide.

In order to abate these violations you must take the following actions:

1. Remove the accumulation of tires from the ravine and place the tires in one pile not to exceed 8 feet in height.
2. Manage the tires in such a manner to prevent them from becoming a breeding place for mosquitoes. This can be done either by removing the water from the tires and then keeping the tires dry or by periodically applying a mosquito larvicide.
3. Have the tires removed by a scrap tire transporter registered with the Ohio EPA and taken to a licensed scrap tire facility for processing or disposal. Alternatively, you may transport tires yourself in loads consisting of 10 tires or less to a licensed scrap tire facility. I have enclosed a current listing of scrap tire transporters and licensed scrap tire facilities for your reference.

Please respond in writing within ten days receipt of this letter with your plans to properly store these scrap tires and remove them to a licensed scrap tire facility. If you have any questions regarding this matter, please feel free to call me at (614) 728-3890.

Sincerely,



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

Enclosure: Listing of Scrap Tire Facilities in Ohio & Registered Scrap Tire Transporters

c: Jennifer Valentine, Fairfield Department of Health
Carl Mussenden, DMWM-CDO
CDO DMWM File