



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.ohio.gov

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

November 10, 2009

Mr. John Michael Hoagland
Worldwide Junk Dealer and Recycling Center
633 S Union Road
Troy, Ohio 45373

RE: Notice of Violation
Worldwide Junk Dealer and Recycling Center
Property located at 633 S Union Road, Miami County, Ohio

Dear Mr. Hoagland:

On November 3, 2009, I conducted a re-inspection at your property located at 633 S Union Road (Identified by Miami County Auditors as Parcel No.D08-090920), Troy, Miami County, Ohio in your presence. Previous inspections were conducted at this same property on April 28, June 2, and July 21, 2009.

The property remains the site of open dumping of solid wastes. The purpose of this comprehensive inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During the inspection on November 3, 2009, the following was observed:

1. Originally miscellaneous solid waste piles including but not limited to wood and plastic was comingled with soil on the back of the property resulting in several large piles of debris that were classified as open dumping. Currently the piles have been flattened and moved to the side. Recyclable material was removed from the piles and what remains is for disposal. You stated that no waste had been removed from the property for disposal and that remaining waste would be removed once you had the money to do so. Please ensure the waste is removed in a timely manner from your property and the solid waste is removed to a licensed facility for disposal. Please keep all receipts as proof of proper disposal.

Due to the continued presence of this debris on your property, you remain in violation of the following Solid Waste Laws and Regulations:



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6245
www.epa.state.oh.us

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

July 23, 2009

Mr. John Michael Hoagland
Worldwide Junk Dealer and Recycling Center
633 S Union Road
Troy, Ohio 45373

**Re: Notice of Violation
Worldwide Junk Dealer and Recycling Center
Property located at 633 S Union Road, Miami County, Ohio**

Dear Mr. Hoagland:

On July 21, 2009, I conducted a re-inspection at your property located at 633 S Union Road (identified by Miami County Auditors as Parcel No.D08-090920), Troy, Miami County, Ohio in the presence of Virgil Mullins. Previous inspections were conducted at this same property on April 28 and June 2, 2009.

The property remains the site of open dumping of solid wastes and improper storage of scrap tires. The purpose of this comprehensive inspection was to determine compliance with Ohio's Solid Waste Laws, Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) 3734.

During the inspection on July 21, 2009, the following was observed:

1. Originally miscellaneous solid waste piles including but not limited to wood and plastic was comingled with soil on the back of the property resulting in several large piles of debris that were classified as open dumping. Currently the piles have been flattened out allowing for removal of recyclable material but the operator stated that no solid waste had been removed from the property. Mr. Mullins stated that he will continue to sort through and remove recyclable material. In addition, it was also stated that the owner was looking for a screen to use to separate the large amount of dirt from the debris. Please ensure the waste is removed in a timely manner from your property and the solid waste is removed to a solid waste facility for disposal. Please keep all receipts as proof of proper disposal.

Due to the continued presence of this debris on your property, you remain in violation of the following Solid Waste Laws and Regulations:

The open dumping of solid wastes such as those observed on this property is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

"No person shall dispose of solid wastes...by open burning or open dumping..."

Open Dumping is also a violation of OAC Rule 3745-27-05(C), which states in part:

"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".

Operating and maintaining a solid waste facility without a license is a violation of ORC Section 3745.05(A), which states in part:

"Except as provided in divisions (A)(4), (8), and (9) of this section, no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code".

This is also a violation of OAC Rule 3745-37-01(A), which states in part:

"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code Rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district".

The above violations of the ORC, and the OAC, constitute a violation of ORC 3734.11(A), which states:

"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code".

2. During the July 21, 2009 inspection, scrap tires were observed both scattered on the property, stored in semi-trailers, a dumpster and stored in an old salt barn. Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire Regulations pursuant to OAC Rule 3745-27-60. The tires in the salt barn remained unchanged. Mr. Mullins stated that the tires found in the open dumping piles on the back of the property and scrap tires loose on the property are being moved into the trailers and a dumpster.

Tires were found in a dumpster partially covered by a tarp. Please ensure that any water that accumulated in the tires is removed from the tires and the tires are re-tarped. The tarp must be secured if it is used as a method to keep scrap tires dry.

The improper storage and handling of scrap tires on the property is a violation of OAC Rule 3745-27-60(C), which states in part:

"Anyone storing scrap tires shall maintain mosquito control as follows:

(1) One or more of the following shall be done to control mosquitoes:

(a) Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.

(b) Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

(c) Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.

(2) Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.

(3) Maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner or the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years."

As stated during both previous inspections be aware that all used tires are classified as a scrap tire because the original owner has discarded it and no longer wants the tire. As we discussed, the tires you wish to keep for resale must be inventoried in some manner to show their value. As a tire retailer you are allowed to store only 1000 tires outside. As was discussed, you plan to move all the tires currently on the property into the structure located at the property or into semi-trailers. All tires stored on the property must comply with OAC Rule 3745-27-60 for both inside and outside storage.

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.

During the previous site visit you expressed interest in using scrap semi tires as a retaining wall. Per my correspondence dated June 9, 2009, I informed you that you may use these tires for such a project as long as it does not become a nuisance and you use 100 scrap tires or less. During this site visit it was noted that scrap tires were used to create a retaining wall on two (2) sides on the concrete pad you intend to use as a semi loading dock. The tires included rims so water in the scrap tires did not appear to be a problem but too many tires were used for this beneficial use project. Approximately 167 tires were counted which is over the allowed 100 scrap tires. Please reduce the number of scrap tires to a maximum of 100 scrap tires.

The above violations of the ORC, and the OAC, constitute a violation of ORC 3714.13 which states:

- “(A) No person shall violate any section of this chapter.
(B) No person shall violate a rule adopted under this chapter.
(C) No person shall violate an order issued under this chapter. Violation of an order issued by a board of health under this chapter is not also a violation of section 3709.20 or 3709.21 of the Revised Code, whichever is applicable.”**

The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes.

- This letter serves to inform you that **all solid wastes must be removed for proper disposal** (E.g., solid waste in a licensed sanitary landfill) and **must be taken to a licensed solid waste facility.**
- **Scrap tires that you wish to keep for resale must be inventoried and stored in compliance with the aforementioned Rules or scrap tires must be removed by a registered scrap tire transporter.**
- **As previously requested and but not submitted, please provide, at a minimum, a time frame for removal of all debris and an action plan for the removal. The plan must also contain the location of the licensed facility where debris will be taken for proper disposal. The plan must also contain milestones projecting completion of work.**
- **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office (SWDO), Division of Solid and Infectious Waste Management (DSIWM) at the letterhead address.**
- **Reduce the scrap tire retaining wall to 100 or fewer scrap tires.**
- **A re-inspection by this office will be conducted in the future to determine compliance.**

Mr. Hoagland Notice of Violation
633 S Union Road, Miami County
July 23, 2009
Page 5 of 5

Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations. Failure to comply with this Notice of Violation will result in escalated enforcement.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

As such, corrections of the violations cited herein are expected to begin immediately.

If you have any questions, please contact me at (937) 285-6094.

Sincerely,


for Jill Olberding, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

Enclosure

cc: Therese Tyson, Miami County Health District, ttyson@miamicountyhealth.net

JO/rf

