



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

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www.epa.state.oh.us

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

June 9, 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 June 2, 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. The original inspection was conducted April 28, 2009 in response to a complaint.

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 June 2, 2009, the following was observed:

1. Miscellaneous solid waste 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 are classified as open dumping. A portion of the area had been flattened out but you stated that no solid waste had been removed from the property. Currently you are waiting for the individual hired to separate and containerize the solid waste to return to work. You also stated that you believe the solid waste will be taken to Tony Smith's in Springfield. Please ensure the waste removed from your property is going to a solid waste disposal and not construction and demolition disposal. Please keep all receipts as proof of proper disposal.

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Due to the 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

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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 inspection, scrap tires were observed both scattered on the property 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. During the site visit you stated that many of the semi tires loose on the property were placed in a trailer and you had Grismer coming to look at the tires for purchasing. The tires in the salt barn remained unchanged.

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.

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(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 the previous inspection 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 wish to move the tires currently on the property into the structure located at the property. 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 this site visit you expressed interest in using scrap semi tires as a retaining wall. Per my discussions with Ohio EPA Central Office, Scrap Tire Unit you may use these tires for such a project as long as **it does not become a nuisance and you remain under 100 scrap tires**. If you choose to use more than 100 scrap tires you must submit a scrap tire beneficial use request for review and receive approval prior to beginning construction of the retaining wall. Please ensure the tires do not hold water and thus become a mosquito concern. I am enclosing the Rule to follow if you choose to use more than 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.

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(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 Rule or scrap tires must be removed by a registered scrap tire transporter.**
- **As previously requested and 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.**
- **A re-inspection by this office will be conducted in the future to determine compliance.**

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

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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,



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

Enclosure

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

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