



Environmental  
Protection Agency

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

July 29, 2011

Mr. Herschel Braughton  
Lewisburg Service Center  
P.O. Box 270  
Lewisburg, Ohio 45338

RE: Complaint Investigation at 11794 National Road

Dear Mr. Braughton:

Thank you for assisting Jeff Smith and Cathy Altman during their July 21, 2011, complaint investigation of your facility located at 11794 National Road, Brookville, Ohio. The complaint alleged that oil, gas and battery acid is draining out on the ground from the cars on site. During their investigation, Jeff and Cathy found no evidence of oil, gas or battery acid draining from any vehicles on site. During their visit, you explained that the oil from the vehicles is collected and burned for heating purposes at your Lewisburg Service Center. The small amount of gasoline that you might collect gets mixed in with the used oil and burned at your Service Center. Batteries are collected and sent to Prime Batteries in Anderson, Indiana.

During the complaint investigation they observed no evidence supporting the complaint. However, they did observe opening dumping of scrap tires on site.

1. Ohio Revised Code (ORC) Section 3734.01 states in part:

**“Open dumping means the depositing of solid wastes into a body of water or stream or onto the surface of the ground at a site that is not a licensed as a solid waste facility under section 3734.05 of the Revised Code.”**

Tires are classified as a solid waste. Open dumping of solid waste is a violation of the ORC Section 3734.03 which states in part:

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

Open dumping is also a violation of Ohio Administrative Code (OAC) 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 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."**

2. Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to the Ohio Administrative Code (OAC) Rule 3745-27-60. Some scrap tires on the property were observed to have water in them. The failure to keep the tires free of water is a violation of OAC 3745-27-30(C)(1)(b) which states in part:

**"Store scrap tires such that water does no accumulate in scrap tires or containers. Tires shall be kept free of water at all times."**

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.

To come into compliance you must comply with all applicable scrap tire management requirements as described in the OAC Chapters 3745-54 thru 3745-27-79. For your information and use, enclosed is a copy of OAC 3745-27-60, regulations for General Storage and Handling Scrap Tires, and a guidance document titled "How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?"

A copy of this letter will be sent to Public Health-Dayton & Montgomery County (PHDMC) Solid Waste Unit. They will follow-up with you on the scrap tire issue to determine if the tires are properly stored and/or removed from the site. If you have any

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questions, you may contact me at (937) 285-6045, Cathy Altman at (937) 285-6093 or you may contact PHDMC at (937) 225-4460.

Sincerely,

A handwritten signature in cursive script that reads "Tracy L. Buchanan, R.S.".

Tracy L. Buchanan, R.S.

Supervisor

Division of Materials and Waste Management

ec: Michael Kautz - PHDMC

