



State of Ohio Environmental Protection Agency

Southwest District

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

October 30, 2008

Joseph Noble  
3535 Houston Road  
Waynesville, Ohio 45068

RE: 3535 Houston Road, Greene County  
Notice of Violation for open dumping, storage and handling of scrap tires

Dear Mr. Noble:

On August 29, 2008, Mr. Mark Issacson and Ms. Beth Lackey from the Greene County Combined Health District and Tracy Buchanan and I from the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management conducted a scrap tire inspection at the aforementioned property. This inspection was to determine compliance with Ohio's Scrap Tire regulations and to evaluate progress made in the clean-up of scrap tires still remaining on the property as ordered in the Board of Health Orders issued by Greene County Combined Health District August 2005.

During our visit we performed a site inspection for compliance with Ohio's Scrap Tire regulations. At the time of the site inspection on August 29, 2008, the following violations were noted:

1. Open Dumping

Approximately twenty thousand (20,000) scrap tires were observed on the ground, including the hillside along a waterway. The presence of these scrap tires on the property constitutes open dumping. Open dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under Section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under Section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of Section 3734.85 of the Revised Code..."

Open dumping is also defined in Ohio Administrative Code (OAC) Rule 3745-27-01(O)(4)(b), which states in part:

"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."

Therefore, the presence of scrap tires on the ground is a **violation** of ORC Section 3734.03, which states in part:

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

This 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'.

## 2. Scrap Tire Piles

- The scrap tire pile is greater than two thousand five hundred square feet in basal area. This is a **violation** of OAC 3745-27-60(B)(6)(a) which states in part:

Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area..."

- Combustible material, including weeds, brush, leaves, and tree debris, was present in and around the scrap tires. This is a **violation** of OAC Rule 3745-27-60(B)(6)(e) which states in part:

"Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves."

## 3. Fire Lanes

OAC 3745-27-60(B)(6)(f) states:

"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."

During the inspections, it was determined that there were not sufficient fire lanes around the scrap tire piles. In addition, please be advised that OAC Rule 3745-27-60 requires that a minimum of a fifty-six (56) foot fire lane exist between scrap tire piles. Therefore the break

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between the scrap tire pile in which you are beginning to work on must be at least fifty-six feet from the closest pile.

This letter serves to inform you that, pursuant to OAC Rule 3745-27-60(B), the scrap tires present on the property have been deemed a nuisance, a hazard to public health or safety, and/or a fire hazard and must be disposed of at a licensed scrap tire disposal facility. Transportation of scrap tires in amounts greater than ten (10) scrap tires must be by an Ohio EPA registered scrap tire transporter. Please provide receipts of legal disposal.

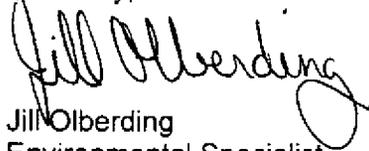
Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental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

**Please respond in writing within fourteen (14) days of receipt of this correspondence regarding your remedy to the aforementioned violations. Your response should include time frames for compliance.**

**Failure to comply with Ohio's scrap tire regulations will result in Ohio EPA seeking enforcement.**

If you have any questions, please do not hesitate to contact me at the above letterhead address or by telephone at (937)285-6094 or my supervisor at (937) 285-6045.

Sincerely,



Jill Olberding  
Environmental Specialist  
Division of Solid and Infectious Waste Management

cc: Beth Lackey, Greene County Combined Health District

JO/plh

