



State of Ohio Environmental Protection Agency

Clark Co
Health Dept
New Car Tires

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)285-6357 FAX: (937)285-6249
www.epa.state.oh.us

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

January 28, 2008

Mr. Chris Pearson
2725 Hilldale Rd
Springfield, Ohio 45505

**RE: 2725 Hilldale Rd (Parcel Number 3000700021402002), Clark County
Notice of Violation**

Dear Mr. Pearson:

On January 16, 2008, Anne Kaup-Fett from the Clark County Combined Health District (Health District) and I from the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) conducted a comprehensive inspection of your property (parcel number 3000700021402002) aka 2801/2725/2753 Hilldale Rd, Springfield, Clark County, Ohio. This inspection was conducted to determine compliance with Ohio's Scrap Tire regulations and to determine if any tires have been removed from the property as ordered in the Board of Health Orders issued November 16, 2006 and November 15, 2007.

I have enclosed photographs taken at the time of the inspection. At the time of the site inspection on January 16, 2008, the following violations were noted:

1. Scrap tires were observed in piles and scattered on the ground at the site. The presence of these scrap tires on the property constitutes open dumping. Piles of miscellaneous solid wastes were also observed along the property including but not limited to fuel containers, scrap metal, automotive parts and seats, bags of rock salt, propane containers, pressurized gas containers, semi trailer, mobile home, etc.

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 solid wastes including but not limited to 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".

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. The scrap tires on the property were observed to have water collecting in them.

The improper storage and handling of scrap tires on the property is a violation of OAC Rule 3745-27-60(B)(1), which states in part:

"The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:

Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored."

2. During the inspection I observed scattered scrap tire piles, each pile ranging from twenty-five (25) to fifty (50) scrap tires located on the east property boundary. Small piles consisting of approximately ten (10) to twenty (20) scrap tires are located throughout the property around the buildings and trailers on-site.

This is a violation of OAC Rule 3745-27-60(B)(6)(c), which states in part:

"Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."

Combustible material including wood, weeds and tree debris, was present in and around the piles of scrap tires on the property. 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."

This is also a violation of OAC Rule 3745-27-60(B)(6)(f) which states in part:

"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."

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.

2725 Hilldale Rd (Parcel Number 3000700021402002), Clark County
Notice of Violation
Page 4 of 4

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal. Scrap tires may be disposed of at a licensed scrap tire disposal facility and the solid waste in a licensed sanitary landfill. Transportation of scrap tires in amounts greater than ten (10) scrap tires must be conducted by an Ohio EPA registered scrap tire transporter.

Receipts documenting proper disposal of all wastes must be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a re-inspection must be scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law. Please be advised that continued failure to comply with Ohio's Solid Waste and Scrap Tire regulations may 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.

Please respond in writing within fourteen days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



Maria Lammers, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

Enclosure: Photos taken during 1/16/08 inspection

cc: Anne Kaup-Fett, Clark County Combined Health District

ML/ca