



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

TELE: (330) 963-1200 FAX: (330) 487-0769
www.epa.state.oh.us

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

November 13, 2009

RE: NOTICE OF VIOLATION
SCRAP TIRES
ASHTABULA COUNTY

CERTIFIED MAIL

Banetta Westover
2358 Westcenter St
Ashtabula, OH 44004

Dear Ms. Westover:

On September 18, 2009, the Ohio Environmental Protection Agency (Ohio EPA) inspected your property at 5724 Main Avenue, Ashtabula, Ohio. John Paquelet, of the Division of Hazardous Waste Management (DHWM), and I, of the Division of Solid and Infectious Waste Management (DSIWM) conducted the inspection. John Galarza was present at the time of the inspection. You granted us access via phone. The inspection was prompted by a notification from the United States Environmental Protection Agency stating that there were drums of oil and approximately 2,000 scrap tires present at the facility. The purpose of my inspection was to determine compliance with Ohio's scrap tire laws and rules. There will be a separate correspondence from Ohio EPA DHWM regarding the drums of oil.

At the time of the inspection, the following violations were found to exist at your property:

ORC Section 3734.03: *"No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..."*

OAC Rule 3745-27-05(C): *"No person shall conduct, permit, or allow open dumping."*

Ohio EPA observed approximately 2,000 scrap tires open dumped at your property. Therefore, the owner(s) of the property where the scrap tires are open dumped is in violation because they have either accepted or allowed scrap tires to be open dumped on the property. In order to return to compliance with all applicable laws and rules, the owner(s) of this property must immediately remove all scrap tires from this property and transport them via a scrap tire transporter, which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio.

Ohio EPA did not identify any mosquito larva at the time of the inspection, however the owner of the property must comply with OAC Rule 3745-27-60(D) if one or both of the following occur:

1. Mosquitoes at the premises, the owner or operator shall apply within twenty-four hours or the next business day an adulticide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to

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the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the adulticide, the date and time of the application, and the name of the person who applied the adulticide.

2. Mosquito larvae at the premises, the owner or operator shall apply within twenty-four hours or the next business day a larvicide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the larvicide, the date and time of the application, and the name of the person who applied the larvicide.

Please provide written documentation to me within 15 days of receiving this letter which documents how the violations will be corrected. Please submit disposal receipts for all scrap tires which have been removed from this property, as well as documentation showing who transported the scrap tires from this property to:

Colum McKenna
Ohio EPA Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: "<http://www.epa.ohio.gov/dsiwm/pages/general.aspx>".

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release you, or others, from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1268, or via e-mail at colummckenna@epa.state.oh.us.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

cc: Terri Collett, Ashtabula City Health Department
File: [Kurko/TIRE/Ashtabula City /GEN/04]
ec: John Paquelet, DWHM, NEDO