

**Environmental  
Protection Agency**

John C. Meyer, Governor  
Richard Cordusio, Lt. Governor  
John P. Bland, Director

September 8, 2011

**RE: NOTICE OF VIOLATION  
SCRAP TIRES  
COLUMBIANA COUNTY**

**CERTIFIED AND REGULAR MAIL**

Mr. Steven W. Hein &/or Kathy S. Hein  
9401 Hanson Rd  
Minerva, Ohio 44657

Dear Mr. Hein:

On September 1, 2011, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection at your property, located at 9415 Hanson Road, West Township, Columbiana County, in order to determine if you had come into compliance with Ohio's scrap tire laws and rules.

I spoke briefly with a gentleman living in the house on the property, and he gave me permission to conduct my inspection.

The following violations were found to exist:

1. **Open Dumping of Scrap Tires:** Ohio EPA observed approximately 1,000 to 1,500 scrap tires open dumped at your property. This number includes one semi-trailer containing scrap tires which has been spotted at your property for longer than fourteen days. The trailer, designated by the number "11127", has Maine trailer license plate number "A752836".

The owner(s) of the property where the scrap tires are open dumped is in violation because they have either open dumped or allowed to be open dumped scrap tires. The open dumping of scrap tires at this location is a violation of the following:

- A. **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..."*
  - B. **OAC Rule 3745-27-05(C):** *"No person shall conduct, permit, or allow open dumping."*
2. **General Storage and Handling of Scrap Tires:** Ohio EPA observed approximately 500 scrap tires dumped on the ground near a red outbuilding on your property and behind the aforementioned semi-trailer. The tires are open dumped within 56 feet of the outbuilding.

The owner(s) of the property where the scrap tires are open dumped is in violation because they have failed to maintain a fire break between the scrap tires and the aforementioned outbuilding. The failure to maintain a fire break between the outbuilding and the scrap tires open dumped at this location is a violation of the following:

- A. **OAC Rule 3745-27-60(B)(7)(d)**: *“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure...Scrap tire storage piles of more than five hundred scrap tires...shall be separated from...buildings and structures by a fire break with a width equal to or greater than fifty-six feet in accordance with the fire break chart in appendix I to rule 3745-27-65 of the Administrative Code.”*
  - B. **OAC Rule 3745-27-60(B)(7)(e)**: *“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure...Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around, and between the scrap tire storage piles and areas.”*
3. **Failure to Control Mosquitoes**: Ohio EPA observed live mosquito larvae in the scrap tires open dumped at your property, as well as adult mosquitoes emerging from those scrap tires.

The owner(s) of the property where the scrap tires are open dumped is in violation because they have failed to control the breeding of mosquitoes in the scrap tires. The failure to control the breeding of mosquitoes in the scrap tires open dumped at this location is a violation of the following:

- A. **OAC Rule 3745-27-60(C)**: *“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.*

(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 of 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.*

4. **Failure to Comply with Director's Final Findings & Orders.** It was documented during this inspection that you have failed to comply with Director's Final Findings & Orders (DFF&Os), dated April 19, 2010. More specifically, you have failed to comply with the following Orders:

A. **DFF&Os Order #2:** *"Upon the effective date of these Orders, Respondents shall implement mosquito control measures at the Property in accordance with the provisions of OAC Rule 3745-27-60(C). Respondents shall provide copies of the mosquito control records required by OAC Rule 3745-27-60(C)(3) to Ohio EPA within ten (10) days after each application of the registered pesticide, larvicide, or adulticide.*

You are in violation of Order #2 because live mosquito larvae were observed in the scrap tires open dumped at your property. Adult mosquitoes were also observed emerging from those scrap tires. Ohio EPA has received no documentation that a registered pesticide, larvicide, or adulticide have been applied to the scrap tires in order to control mosquitoes at this property.

- B. **DFE&Os Order #3:** *"Not later than thirty (30) days after the effective date of these Orders, Respondents shall establish storage piles and fire lanes at the Property in accordance with OAC Rule 3745-27-60(B).*

You are in violation of Order #3 because you have failed to establish fire lanes at your property in accordance with OAC Rule 3745-27-60(B).

- C. **DFE&Os Order #4:** *"Not later than one hundred twenty (120) days after the effective date of these Orders, Respondents shall remove or cause the removal of scrap tires from the Property including, but not limited to, scrap tires dumped onto the ground and buried scrap tires, and shall arrange for their transportation, by a registered transporter, to a scrap tire storage, monocell, monofill, or recovery facility licensed under ORC Section 3734.81 in Ohio, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state."*

You are in violation of Order #4 you have failed to remove and properly dispose of scrap tires open dumped at your property.

- D. **DFE&Os Order #5:** *"Respondents shall obtain receipts from the registered transporter and the disposal facility, indicating weight, volume, and number of scrap tires received. Respondent shall forward such documentation to Ohio EPA Northeast District Office on a monthly basis by the 10<sup>th</sup> day of each month."*

A large number of tires which had been previously open dumped in a large pile on the ground at your property no longer appear to exist at the property. You are in violation of Order #5 because the Ohio EPA Northeast District Office has received no receipts from a registered transporter or disposal facility indicating that you have legally removed and properly disposed of scrap tires from your property.

- E. **DFE&Os Order #6:** *"Respondents shall submit monthly progress reports until all scrap tires are removed from the Property. Respondents' monthly progress reports, due to Ohio EPA Northeast District Office by the 20<sup>th</sup> day of each month, shall summarize Respondents' efforts to comply with the requirements of these Orders. The first progress report shall be delivered to Ohio EPA Northeast District Office no later than the 20<sup>th</sup> day of the month immediately following the month that these Orders become effective."*

You are in violation of Order #6 because you have failed to submit any monthly progress reports in accordance with the requirement of this Order.

- F. **DFF&Os Order #7:** *"Respondents shall comply with Order Nos. One (1) and Three (3) above until such time as all scrap tires have been removed from the Property unless otherwise provided by Ohio EPA in writing."*

You are in violation of Order #7 because as detailed in "B", above, you have failed to establish fire lanes at your property in accordance with OAC Rule 3745-27-60(B).

In accordance with OAC Rule 3745-27-60(D), if upon inspection and written notification, Ohio EPA or the approved health district discover the existence of either one or both of the following:

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 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.

As documented earlier in this letter, mosquito larvae and adult mosquitoes were discovered at the premises during this inspection. You must comply with OAC Rule 3745-27-60(D) in order to control mosquitoes.

In order to return to compliance with all applicable laws and rules, and DFF&Os dated April 19, 2010, 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 as well as comply with all Orders contained within the DFF&Os.

Please provide written documentation to me within 15 days of receiving this letter which documents how the violations listed above have been corrected, and what measures will be implemented in the future to prevent any such recurrence of this violation. 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:

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Jerry W. Weber  
Ohio EPA Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

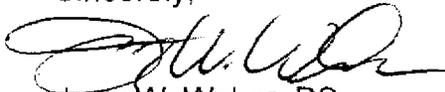
You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: "<http://www.epa.ohio.gov/Default.aspx?tabid=2582>."

Upon completing my inspection of the premises, it was determined that the scrap tires stored outside at this location constitute a nuisance and a hazard to public health and safety. Failure to correct the above violations immediately may result in escalated enforcement action being taken against you by Ohio EPA.

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) 963-1274, or preferably, via e-mail at "[jerry.weber@epa.state.oh.us](mailto:jerry.weber@epa.state.oh.us)."

Sincerely,



Jerry W. Weber, RS  
Environmental Specialist  
Division of Materials and Waste Management

JWW:ci

cc: File: [Sowers/TIRE/Columbiana County/GEN/15]

ec: Matt Boyer, DMWM-CO  
Lori Barnes, Columbiana County Health Department

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PS Form 3800, August 2006 See Reverse for Instructions

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<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>9/10/11</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Mr. Steven W. Hein &amp;/or          Kathy S. Hein          9401 Hanson Rd          Minerva, Ohio 44657</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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