



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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

September 15, 2008

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

Mr. Steven Hein
9401 Hanson Rd
Minerva, Ohio 44657

CERTIFIED MAIL

Dear Mr. Hein:

On August 19, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), visited your business located on Hanson Road in West Township, Columbiana County. My visit was prompted by a notification from the Ohio EPA Division of Solid and Infectious Waste Central Office stating that they had received a phone call from the West Township fire chief regarding the stockpiling of scrap tires by someone on Hanson Road. The purpose of my inspection was to determine compliance with Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC), as they pertain to scrap tires.

On September 11, 2008, I returned to your business to assess the level of compliance you had achieved since the August 19, 2008, inspection. No tires had been removed since my initial inspection, and mosquito larvae were observed in the scrap tires.

Thank you for taking the time to accompany me during these inspections and to explain the circumstances surrounding the accumulation of scrap tires at your business. The following observations were made during these inspections:

1. Approximately 2,000 scrap tires were observed stored on the ground outside trailers or buildings at your business on Hanson Road.
2. Water had accumulated in the scrap tires stored at this location.
3. Mosquito larvae were observed in the scrap tires stored at this location.

You described your business in the following manner:

1. You purchase scrap tires on rims from Genesis Concepts Unlimited, a licensed scrap tire recovery facility located in Wayne County.
2. You transport the scrap tires to your facility, utilizing Genesis' scrap tire transporter registration. The registration you presented for my review was Genesis Concepts #85-STT-001-5.

3. As a matter of practice, scrap tires are unloaded, de-rimmed, and re-loaded back onto the trailer for transport back to Genesis. The rims are removed from the tires without cutting the tires.

In accordance with OAC Rule 3745-27-60, scrap tires, specifically including but not limited to used tires and retreadable casings, shall be stored and handled as specified in this rule at all sites containing more than one hundred scrap tires unless certain conditions apply to the specific site. None of the conditions contained in OAC Rule 3745-27-60(A) apply to your business. Based on the above observations and OAC Rule 3745-27-60(A), the following violation was found to exist at your business during this inspection:

1. **Mosquito Control:** Ohio EPA documented that you were not making an effort to control mosquitoes in the scrap tires being stored outside at this location. Mosquito larvae were observed in the scrap tires being stored at this location.

You are in violation because measures are not being taken to control mosquitoes in scrap tires stored at this location. The failure to control mosquitoes in scrap tires at this location is a violation of the following:

- A. **OAC Rule 3745-27-60(C)(2):** *“Anyone storing scrap tires shall maintain mosquito control as follows...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.”*

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.

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As identified earlier in this letter, mosquito larvae were observed in the scrap tires stored at this location. In accordance with OAC Rule 3745-27-60(D) mosquito larvicide, registered for use for mosquito control by the Ohio Department of Agriculture must be applied to all scrap tires currently stored at this location. I have included with this letter a list of commercial pesticide applicators in your area.

In accordance with OAC Rule 3745-27-60(C)(2), you must 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 application, and the name of the person who applied the pesticide or larvicide. The property owner or 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.

In order to maintain compliance in the future with all applicable laws and rules, you must either store scrap tires such that water does not accumulate in the scrap tires, or continue to apply a larvicide to the scrap tires stored at this location.

In addition to the above violation, please be aware that in order to not be required to register and license your business as a scrap tire collection facility in accordance with OAC Rule 3745-27-61, you must make sure that no more than 1,000 scrap tires are present at any time in an unsecured, uncovered, outdoor location. In order to meet this requirement, it is recommended that you place all scrap tires intended for disposal inside the semi trailer(s) that are located at your business. If you cannot comply with this requirement, you will be required to submit a collection facility registration and license the facility on an annual basis.

Upon completing my inspections 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 may result in escalated enforcement action being taken against you by Ohio EPA.

Please submit copies of your pesticide and larvicide application receipts to my attention at the following address:

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

During the inspection on August 19, 2008, you requested information regarding a variety of issues related to your business. I will attempt to address them individually as follows:

1. With regard to your question regarding cutting scrap tires in order to achieve volume reduction for transport to Genesis, you would have to register and license your business as a Class II Scrap Tire Recovery Facility if you chose to do this. I have included with this letter the following documents for your consideration:
 - a. Ohio EPA Guidance Document #649, "Class I and Class II Scrap Tire Recovery Facilities"
 - b. Ohio EPA Fact Sheet #7, "Financial Assurance for Scrap Tire Facilities and Transporters"
 - c. Form ST-61, "Scrap Tire Facility Registration Certificate Application"
 - d. Form SWL-596, "Annual License Application"
 - e. OAC Rule 3745-27-61, "Registration requirements for scrap tire collection, class II scrap tire storage, and class II scrap tire recovery facilities"
 - f. OAC Rule 3745-27-62, "Criteria for approval of an application for a registration certificate or for a permit to install for a scrap tire facility"
 - g. OAC Rule 3745-27-65, "Operation of scrap tire collection, storage, and recovery facilities"
 - h. Scrap Tire Recovery Facility Inspection Checklist
2. With regard to your question regarding the beneficial use of scrap tires, I have included with this letter the following documents for your consideration:
 - a. "Beneficial Use of Scrap Tires"
 - b. Ohio EPA Guidance Document #671, "Beneficial Use of Scrap Tires"
 - c. OAC Rule 3745-27-78, "Beneficial use of scrap tires"
3. With regard to your question regarding grants that may be available to establish a scrap tire business, please consult the following:
 - a. Chris Jacobs, Director, Carroll-Columbiana-Harrison Joint Solid Waste Management District, (330) 627-7311
 - b. The following web addresses:

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<http://www.dnr.state.oh.us/tabid/10762/Default.aspx>

<http://www.dnr.state.oh.us/Default.aspx?alias=www.dnr.state.oh.us/recycling>

<http://www.epa.state.oh.us/ocapp/funding.html>

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."

Sincerely,



Jerry W. Weber, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:ddw

Enclosure

cc: Karen Morr, DSIWM, CO
File: [Kurko/TIRE/Columbiana County/GEN/15]