



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 Korieski, Director

February 5, 2010

RE: NOTICE OF VIOLATION
SCRAP TIRES
COLUMBIANA COUNTY

CERTIFIED AND 1ST CLASS MAIL

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

Dear Mr. Hein:

On January 27, 2010, 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.

The following violations were found to exist:

1. **Open Dumping of Scrap Tires:** Ohio EPA observed approximately 4,000 scrap tires open dumped at your property. This number includes one semi-trailer full of 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 2,000 scrap tires dumped on the ground immediately against a red outbuilding on your property.

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."*

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.

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:

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/dsiwm/pages/general.aspx>.

Mr. Steven W. Hein &/or Kathy S. Hein
February 5, 2010
Page 3

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 immediately will 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."

Sincerely,



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

JWW:cl

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

ec: Lori Barnes, Columbiana County Health Department