



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

October 28, 2008

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

**CERTIFIED MAIL**

Mr. Steven Hein  
9401 Hanson Rd  
Minerva, Ohio 44657

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 initial 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.

During the August 19, 2008, inspection it was discovered that approximately 2,000 scrap tires were piled on the ground outside trailers and buildings at your business on Hanson Road. Water had accumulated in the scrap tires, and mosquitoes were observed breeding in the scrap tires. You were informed that the scrap tires had to be removed and properly disposed, and you indicated that you would accomplish that in a short time frame.

On September 11, 2008, I returned to your business to verify that you had removed the scrap tires stored at your business as discussed during the August 19, 2008, inspection. No tires had been removed since my initial inspection, and mosquito larvae were observed in the scrap tires. Subsequent visits to your business on September 26, October 3, and October 17, 2008, also revealed that the tires have not been removed, and no effort to control the breeding of mosquitoes was evident.

Based on the observations made during my inspections conducted on September 11 and 26, and October 3 and 17, 2008, the following violations were found to exist at your business:

1. **Open Dumping of Scrap Tires:** Ohio EPA observed approximately 2,000 scrap tires open dumped at your business.

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) – Authorized, limited, and prohibited solid waste disposal methods**: *"No person shall conduct, permit, or allow open dumping."*

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 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.

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.state.oh.us/dsiwm/pages/tire\\_docs.html](http://www.epa.state.oh.us/dsiwm/pages/tire_docs.html).

- 2. **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.

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 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.

Finally, OAC Rule 3745-27-56(C)(6)(c) states, "Registered scrap tire transporters... shall do all of the following...store and handle the scrap tires so as not to create a nuisance, a hazard to public health or safety, or a fire hazard...trailers or vehicles containing scrap tires shall not be parked at locations other than the scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of this rule) for longer than fourteen days. The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to...Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and such repairs are being completed in a timely manner. If it is determined that scrap tires are being stored at your facility in a manner described by this rule, you will be found in violation of this rule as well.

Mr. Steven Hein  
October 28, 2008  
Page 4

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:

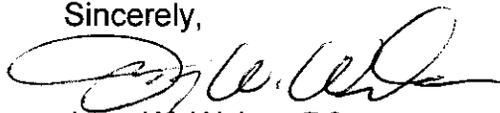
Jerry W. Weber  
Ohio EPA Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087

Please find enclosed with this Notice of Violation a copy of the Notice of Violation which addressed the August 19, 2008, inspection, along with the documents you requested at that time. The Notice of Violation was sent to you via registered mail, and you failed to claim it at the local post office.

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 Solid and Infectious Waste Management

JWW:cl  
Enclosure

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

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Sent To *Steven Klein*

Street, Apt. No. or PO Box No. *9401 Hanson Rd*

City, State, ZIP+4 *Minerva, OH*