



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Bible Road Auto Wrecking Inc.
Scrap Tires
Allen County

April 28, 2008

Mr. Harry Zapp
Bible Road Auto Wrecking Inc.
505 Bible Road
Lima, Ohio 45801

Dear Mr. Zapp:

On April 23, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Bible Road Auto Wrecking Inc. (Facility). The purpose of the inspection was to determine how you manage your scrap tires at the Facility. The Facility is a licensed motor vehicle salvage dealer. You were present at the time of inspection. I represented Ohio EPA during the inspection. The weather was clear and warm.

During the inspection Ohio EPA observed two large piles of scrap tires and numerous amounts of smaller piles of scrap tires, estimated to be approximately 8,000 tires. The accumulation of scrap tires on this property constitutes open dumping, as defined by Ohio Administrative Code (OAC) Rule 3745-27-01(O)(4). Open dumping means the following (in pertinent part): "...the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code."

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

Ohio Revised Code (ORC) 3734.03 states in part: "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..."

ORC 3734.02(C) states in part: "...no person shall establish a new solid waste facility...without submitting an application for a permit with accompanying detail plans, specifications, and information regarding the facility and method of operation and receiving a permit issued by the director..."

ORC 3734.05(A) states in part: "...no person shall operate or maintain a solid waste facility without a license issued under this division by the board of health of the health district in which the facility is located or by the director of environmental protection when the health district in which the facility is located is not on the approved list under section 3734.08 of the Revised Code..."

Mr. Harry Zapp
April 28, 2008
Page 2

Therefore, you are in violation of OAC Rule 3745-27-05(C) and ORC 3734.02(C), 3734.03, and 3734.05(A) for open dumping.

You informed me that removal of the tires will begin this summer by placing five (5) tires in each vehicle that is crushed and removed from the Facility. Furthermore, you stated that efforts will be made this summer to consolidate all scrap tires at the Facility in one large pile, not to exceed 50'(L) x 50' (W) x 8' (H). Furthermore, you stated that one semi-trailer load of tires would be disposed of each year if the equivalent amount of tires could not be removed from the Facility via crushed vehicles. Ohio EPA recommends that the Facility contact a licensed scrap tire transporter within the State of Ohio to remove all the scrap tires as quickly as possible.

A licensed motor vehicle salvage dealer (MVSD) may qualify for an exemption, pursuant to Ohio Administrative Code (OAC) Rule 3745-27-61(A)(3)(a), from registering as a scrap tire storage facility. This exemption applies to MVSD's that have only one scrap tire storage pile with a maximum dimension of 2,500 square feet basal area and 8 feet in height.

However, please be advised that OAC Rule 3745-27-60, which establishes scrap tire storage requirements for entities who are not registered as a scrap tire facility, will apply to your Facility while scrap tires still exist on site. OAC Rule 3745-27-60(B)(7) regulates the storage of scrap tires outside a building or covered structure.

OAC Rule 3745-27-60(B)(7)(a) states in part: "Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area..."

OAC Rule 3745-27-60(B)(7)(b) states in part: "Scrap tire storage piles shall not exceed eight feet in height..."

OAC Rule 3745-27-60(B)(7)(c) states: "Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."

OAC Rule 3745-27-60(B)(7)(d) states: " Scrap tire storage piles of more than five hundred scrap tires including single or multiple racks containing a total of more than five hundred scrap tires shall be separated from other scrap tire storage piles and 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."

OAC Rule 3745-27-60(B)(7)(e) states: "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."

OAC Rule 3745-27-60(C)(8) states: " 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 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."

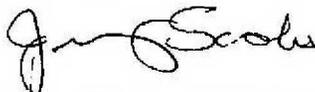
Please provide a written response within 14 days of the date of this letter, committing to drawing down the amount of scrap tires present at the Facility. Please provide an estimate on when the Facility will be in compliance with Ohio EPA's scrap tire rules.

This correspondence addressed specific observations only for the areas of the property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the property at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

If you should have any questions please contact me at (419) 373-3079.

Sincerely,



Jeremy Scoles, S.I.T., CHMM
Environmental Specialist
Division of Solid and Infectious Waste Management
/csl

pc: Bill Kelly, Allen County Health Department
(File: Allen County, Tires)
ec: Brent Goetz