



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Army's Auto Wrecking Inc.
Scrap Tires
Allen County

March 13, 2007

Mr. Bill Armentrout
Army's Auto Wrecking Inc.
1510 St. John's Avenue
Lima, Ohio 45804

Dear Mr. Armentrout:

On February 20, 2007, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Army's Auto Wrecking Inc. (Facility). The purpose of the inspection was to determine how you manage your scrap tires at the Facility. You were present at the time of inspection. I, along with Mike Reiser and Tyler Madeker, represented Ohio EPA during the inspection. The weather was clear and cool.

During the inspection Ohio EPA observed a large pile of scrap tires, estimated to be around 20,000 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..."

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 spring and continue through the summer. You indicated that the tires would be completely removed from the Facility by September 1, 2007. 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 who have only one scrap tire storage pile with a maximum dimension of 2500 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)(6) regulates the storage of scrap tires outside a building or covered structure.

OAC Rule 3745-27-60(B)(6)(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)(6)(b) states in part: "Scrap tire storage piles shall not exceed eight feet in height..."

OAC Rule 3745-27-60(B)(6)(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)(6)(d) states: "Scrap tire storage piles of more than five hundred scrap tires shall be separated from other scrap tire storage piles and from buildings and structures by a fire lane with a width equal to or greater than fifty-six feet in accordance with the fire lane chart described in paragraph (F) of rule 3745-27-65 of the Administrative Code."

OAC Rule 3745-27-60(B)(8) states: "One or more of the following shall be done to control mosquitoes at the premises: (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers."

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Tires shall be kept free of water at all times. (b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio department of agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained 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. (c) Use another method of mosquito control which is approved by Ohio EPA."

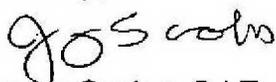
Due to the aforementioned regulations, Army's Auto Wrecking Inc., is in violation of OAC Rule 3745-27-60(B)(6)(a) and (B)(6)(b) for having a tire pile that exceeds two thousand five hundred (2500) square feet in basal area and eight (8) feet in height.

This correspondence addresses 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

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pc: Bill Kelly, Allen County Health Department
File: Allen County, Tires >

Army's Auto Wrecking 2/20/07

