OhioEPA
State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Auto Salvage Dealer Inspection
R & R Auto Wrecking LLC
Sandusky County

July 29, 2009

Mr. Rich Farmer
R & R Auto Wrecking LLC
2111 Hayes Avenue
Fremont, Ohio 44811

Dear Mr. Farmer:

On July 7, 2009, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of your auto salvage dealer business, ID # SD002001, located at 2111 Hayes Avenue, Fremont (facility). The inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-60 and OAC Rule 3745-27-61. I represented Ohio EPA, Martha Bowen and Kevin Musgrave represented the Sandusky County Health Department and you represented the facility during the inspection.

One large pile of tires and two piles of mixed solid waste including tires were observed behind the office. You stated salvageable metal was mixed into the two mixed waste piles.

Solid waste is defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(23) as (in pertinent part):

> *"Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, . . . , and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.*

Scrap tires are defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(6) as:

> *"Scrap tire" is a type of waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as parts of scrap tires by visual inspection...*

Open dumping is defined in OAC Rule 3745-27-01(O)(4) as:

> *(a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means 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.*
> *(b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility...*

OAC Rule 3745-27-61(A)(2)(c) states, "The premises of a business that removes tires from motor vehicles in the ordinary course of business on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet" is exempt from registration requirements. Currently your business has more than one scrap tire storage area due to tires located in several areas.

The owner/operator of this site may be in violation of the following rules and laws if the scrap tires are not stored in a single storage area:

1. OAC Rule 3745-27-05(C) which states:
   No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

2. Ohio Revised Code (ORC) § 3734.81(A) which states in pertinent part:
   . . . no person shall operate a scrap tire collection, storage, monocell, monofill, or recovery facility without a license . . .

3. ORC § 3734.76(C) which states in pertinent part:
   . . . no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate . . .

In addition, in accordance with OAC Rule 3745-27-60(B), the storage of scrap tires in any amount is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the specific standards set forth in OAC Rule 3745-27-60(B)(1) - (11).

4. OAC Rule 3745-27-60(B) states:
   (1) *Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored.*
   (2) Scrap tire storage piles shall be separated from possible ignition sources including but not limited to open flame, welding equipment, cutting equipment, and heating devices by at least fifty feet.
   (3) Where a single portable container, truck, or semi-trailer is used to store scrap tires, the portable scrap tire container, truck, or semi-trailer shall be located as determined by the business owner and the local fire official.
   (4) Where multiple portable containers, trucks, or semi-trailers are used to store scrap tires, the portable scrap tire containers, trucks, or semi-trailers shall be separated from the following:
   (a) Buildings and structures that are owned or leased by the person storing the scrap tires by at least fifteen feet...

5. OAC Rule 3745-27-60(B)(7) applies to storage of scrap tires outside portable containers, semi-trailers, building or covered structure:

   (a) Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code. Scrap tire storage piles shall include any area where scrap tires are stored in racks. The two thousand five hundred square feet basal area shall apply to multiple racks and small scrap tire piles not separated from other racks, piles, or structures by a fire break at least fifty-six feet wide. The basal area of the scrap tire storage pile shall include the area of the tire piles, racks, and the area of any walkway or other open areas that do not meet the definition of a fire break as defined in rule 3745-27- 01 of the Administrative Code.
   (b) Scrap tire storage piles shall not exceed eight feet in height

The storage of scrap tires on your property must meet the following rules:

1. OAC Rule 3745-27-60(B)(7)(d) which requires:
   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.

2. OAC Rule 3745-27-60(B)(7)(e) which requires:
   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.

Scrap tires, if not properly managed, may become a breeding ground for mosquitoes. Mosquitoes are common disease vectors for St. Louis encephalitis, La Crosse encephalitis, Yellow Fever, West Nile Virus, and Dengue Fever.

Please be advised that OAC Rule 3745-27-60(C) requires the owner/operator to control mosquitoes:

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.

Implement mosquito control measures as described above, if you have not already done so. Maintain documentation of your mosquito control measures for a minimum of three years and have this documentation available for review by Ohio EPA in accordance with OAC Rule 3745-27-60(C)(3). Failure to implement mosquito control measures will result in a violation OAC Rule 3745-27-60(C).

Should mosquitoes or mosquito larvae be discovered at the site, additional mosquito control measures will be required pursuant to OAC Rule 3745-27-60(D).

The tires for resale should not be included in a scrap tire pile. If they are stored with the scrap tires, they will be included in the scrap tire pile and scrap tire regulations will apply. Violations will occur unless all scrap tires are within proper storage regulations.

After the inspection, you agreed the tires would be in compliance by fall. A re-inspection will be completed after September 1, 2009.

Please forward copies of receipts documenting disposal of scrap tires to my attention at:

Ohio EPA - NWDO
Attn: Susan Hardy
347 N. Dunbridge Road
Bowling Green, Ohio 43402

Please be advised that only a registered scrap tire transporter may transport ten (10) or more scrap tires in a load. Enclosed for your convenience is a list of registered scrap tire transporters.

This correspondence addresses specific observations only for the areas of the site that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no violations existed at the site 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 the owner/operator from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions, please contact me at (419) 373-3043.

Sincerely,

Susan Hardy, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management

/llr

pc: Martha Bowen, Sandusky County Health Department
DSIWM-NWDO File: Sandusky County, Tires

ec: Mike Reiser, DSIWM, NWDO