



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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

April 19, 2007

**RE: COSHOCTON COUNTY
TIRE-GEN**

Riverside Landing Enterprizes
18345 Township Road 284
Coshocton, Ohio 43812

RE: Investigation of a scrap tire dump at 15 Walnut Street, Coshocton, Ohio.

Dear Sir/Madam:

On April 4, 2007, the Southeast District Office of the Ohio Environmental Protection Agency responded to a complaint that open dumping of scrap tires has occurred on property that your company owns. The property is located at 15 Walnut Street, Coshocton, Ohio.

During my investigation, I observed approximately two hundred fifty (250) scrap tires deposited on your Walnut Street property. Scrap tires are defined by Ohio law as solid waste. Open dumping of solid waste is a violation of Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC). Specifically:

ORC Chapter 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

OAC Rule 3745-27-05(C) - 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.

Therefore, you are currently in violation of ORC Chapter 3734.03 and OAC Rule 3745-27-05(C).

Please be advised that the Ohio EPA has one of the most comprehensive scrap tire management programs in the country. Ohio EPA's scrap tire rules are necessary to reduce the risks to public health and safety and to the environment. Specifically, these rules are intended to eliminate the breeding of mosquitoes in scrap tires, reduce the magnitude of scrap tire fires, minimize illegal dumping and encourage recycling of scrap tires.

Ohio EPA's scrap tire law requires the control of mosquitoes related to any storage of scrap tires. Mosquitoes identified at tire piles in Ohio can carry St. Louis encephalitis, La Crosse Encephalitis, Yellow fever, and Dengue Fever and the West Nile virus. The West Nile Virus has been detected in Ohio and is now present in every Ohio County.

Pursuant to (OAC) Rule 3745-27-60(B)(8)(a) and (b), the following must be done to control mosquito populations: (1) remove liquids from the scrap tires and immediately store the scrap tires such that water does not accumulate in scrap tires or containers, or (2) 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 (30) day intervals or as recommended by the manufacturer or formulator.

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Please send me information which documents how you have achieved compliance with OAC Rule 3745-27-60(B)(8). Until this information is received, you are also in violation of OAC Rule 3745-27-60(B)(8).

OAC Rule 3745-27-60(B)(1) states that the storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:

Sufficient drainage will be maintained as such that water does not collect in the area where scrap tires are stored. Scrap tires are being stored in areas where water can collect. Therefore, you are in violation of OAC Rule 3745-27-60(B)(1).

Since you are not storing your scrap tires in accordance with OAC Rule 3745-27-60(B), your scrap tires are deemed a nuisance, a hazard to public health or safety, or fire hazard. Therefore, you are also in violation of ORC 3767.13(B) which states that no person shall cause or allow offal, filth, or noisome substances to be collected or remain in any place to the damage or prejudice of others or of the public.

In addition, the indiscriminate disposal of solid waste may create a public nuisance and/or health hazard, and as such may be considered by the Coshocton City Board of Health to be in violation of Section 3707.01 of Ohio's Public Health Nuisance Law. Enforcement of this statute remains at their discretion.

The scrap tires on your Walnut Street property should be removed for proper disposal. Please be advised that more than ten (10) scrap tires transported in a single load must be transported by a registered scrap tire transporter. Please obtain copies of receipts from the licensed disposal facility that received the scrap tires and provide copies to Ohio EPA's Southeast District Office in order to document your compliance.

Please respond to this letter, in writing, within 15 days detailing your intentions and actions taken to comply with Ohio's solid waste regulations and laws. Please be advised that the above cited violations will continue to accrue until such time as the above referenced Walnut Street property is in substantial compliance with Ohio's scrap tire and solid waste regulations and law. Should you have any questions, please contact me at (740) 380-5435.

Sincerely,



Dale W. Warner, R.S
Environmental Specialist II
Division of Solid and Infectious Waste Management
Ohio Environmental Protection Agency
Southeast District Office

DWW/jg