OhioEPA
State of Ohio Environmental Protection Agency

**Southeast District Office**

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

May 28, 2008

**RE: GUERNSEY COUNTY TIRE - GEN**

Mr. Dwayne Watson
5261 High Hill Road
Cambridge, OH 43725

Dear Mr. Watson:

On May 14, 2008, I conducted a follow-up visit to your property to determine whether any action had been taken to remove approximately 300 scrap tires open dumped at the site. At the time of my visit, no one was available at the property.

As you may recall, on August 20, 2007, I spoke with your wife by telephone concerning the scrap tires. After that conversation, I sent you a letter, dated September 12, 2007, detailing the conversation, the status of the site, and my expectation for compliance. This most recent inspection was to determine what, if any, action had taken place to address the existing violations. Please find following a summary of previous interactions as well as my findings related to this most recent inspection.

I had originally sent you a letter in December 2006 and January 2007 regarding the open dump violations and in January you called me at my office and stated that you had not received a December 2006 letter. At that time, you indicated that you knew the scrap tires needed to be removed but needed some time to complete the project.

In March 2007, I visited the site again and observed that no scrap tires had been removed from the property. You were at the property at the time of this site visit, and I reiterated the need to remove all scrap tires. You stated that you understood that the tires needed to be removed and indicated that you would take steps to comply. A follow-up visit on May 23, 2007, again found that no efforts had been made to comply. At the time of the September inspection, it again appeared that little to no action towards removal had occurred. I did observe at that time that the garage that is on the property had burned.

My September correspondence summarized my telephone conversation with your wife and again reiterated that efforts must be put forth to remove the scrap tires from the ravine and properly dispose of them. I indicated at that time that an initial effort to remove the scrap tires from the ravine and stacking and covering them would be appreciated and show a good faith effort.

At the time of my November 2007 inspection, I observed that about 100 of the 300 scrap truck tires at the site had been stacked and covered. However, no effort had been made to stack, cover or remove the other 200 scrap truck tires.

My inspection of May 14, 2008, found that no additional efforts had been made to remove the scrap tires. Although approximately 100 had been stacked and covered, most remained in the ravine and it appeared that none had been removed.

As you are aware, scrap tires are a solid waste and must be properly stored and managed in accordance with OAC Rule 3745-27-60. Open dumping of scrap tires is in violation of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). 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.

The site remains in violation of the aforementioned rules. Please respond within 15 days as to your intentions to comply. You have failed to respond or comply in the past. If I do not hear from you regarding this issue, I will have no other choice but to refer you for escalated enforcement.

If you have any questions regarding this letter, please contact me at 740-380-5439.

Sincerely,

P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Southeast District Office