



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

July 12, 2007

**GUERNSEY COUNTY
SITE - GEN**

Mr. Richard Rings
659 Water Street
Cambridge, OH 43725

Dear Mr. Rings:

Recently a complaint was received in this office alleging that you are open dumping and open burning solid waste and are illegally collecting scrap tires at your property at the above address. On July 10, 2007, Mark Mansfield of this office and I conducted an investigation of the complaint. At the time of our visit, no one was available at the property. We did, however, see evidence of open burning and illegal storage of scrap tires at the property from Water Street.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(24) "solid waste" includes scrap tires.

Scrap tires must be properly stored and managed in accordance with the Ohio Administrative Code Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code.

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow Fever, Dengue Fever and West Nile Virus.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

Open dumping and open burning 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:

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

Solid wastes are disposed of on the ground.

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2. OAC 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 responsible for the open dumping, the owner of the property, or the person who allows 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.

Solid wastes are disposed of on the ground.

3. OAC 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

Demolition debris including roofing shingles and wood wastes are disposed of at this site.

4. OAC 3734-27-60(B) - 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 a fire hazard unless the tires are stored in accordance with specific standards set forth under OAC 3745-27-60(B)(1) through (10).

The law requires control of disease vectors related to any storage of scrap tires. Therefore, pursuant to OAC 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. The failure to control mosquito populations presents a threat to human health and safety.

You are in violation of the above referenced rules. Open dumping and open burning of solid waste and demolition debris must cease immediately. All solid wastes and demolition debris disposed at the described location must be removed from the property and taken to a licensed solid waste disposal facility for proper disposal. Obtain copies of receipts from the landfill that received the waste and provide those copies to this District Office in order to document your compliance.

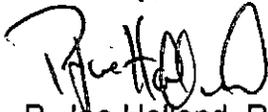
I am requesting that you respond to me at this District Office within fifteen days of receipt of this letter to notify me of your intentions and actions taken to abate the open dumping.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in ORC Chapter 3734 and the rules promulgated thereunder, does not relieve the owner of his obligation to comply with other State and Federal laws and regulations.

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Should you have questions, please contact me at (740) 380-5439.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Joe Holland". The signature is stylized and cursive.

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

PJH/jg