



State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

March 13, 2007

**RE: HARRISON COUNTY  
TIRE - ARBA-VU FARMS**

Mr. Dale Arbaugh  
88615 Jewett/Germano Road  
Jewett, Ohio 43986

Dear Mr. Arbaugh:

As you recall, my previous letters advised you that Ohio EPA's scrap tire regulations require property owners to receive specific authorization from Ohio EPA, in accordance with Ohio Administrative Code (OAC) Rule 3745-27-78, to beneficially use whole or processed scrap tires before beginning any type of project which is not specifically listed as pre-approved by rule. This requirement applies to the several thousand bagel-cut scrap tires that are currently being utilized at several locations on your property to hold down tarps over silage piles.

Your April 22, 2006, letter stated that you have sought advice from the Ohio Farm Bureau Federation and plan to develop a beneficial use plan, in accordance with OAC Rule 3745-27-78. To date, I have not received your proposed scrap tire beneficial use plan. Please be advised that until you have received an Ohio EPA approved scrap tire beneficial use plan, you will remain in violation of OAC Rule 3745-27-78.

As stated in my previous letters to you, 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).

Please respond to this letter, in writing, within 15 days and detail your intentions and any actions taken to bring your property into compliance with Ohio EPA's scrap tire regulations and laws. Failure to bring your property into compliance with Ohio EPA's scrap tire regulations and laws will result in an escalated enforcement action by Ohio EPA.

If you have any questions regarding the development of your beneficial use plan, or if I can be of any assistance, please contact me at (740) 380-5408.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Murphy". The signature is written in a cursive style with a large, stylized initial "R".

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

RM/jg

cc: Harrison County Health Commissioner