

**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 3, 2011

RE: **LAWRENCE COUNTY**
~~SITE-GEN~~
TIRE

Mr. Harry Wilks
Aggressive Truck & Tire Service
521 Rockwood Avenue
Chesapeake, Ohio 45619

Dear Mr. Wilks:

I am writing as a follow-up to my February 1, 2011, investigation at your business on Rockwood Avenue. I was accompanied by Officer Steve Hileman of the Lawrence-Scioto Solid Waste Management District. During this investigation, we observed that you have a significant number of scrap tires stored improperly on your property. Please be advised that the improper storage of scrap tires constitutes open dumping which is a violation of Ohio law.

Violations observed during this investigation include:

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

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.

Violations for improper storage of scrap tires include the following:

OAC Rule 3745-27-60(C) - 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.

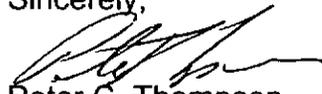
In addition to the above, you advised me that you transport scrap tires to Porter Tire for processing. As we discussed, you are required to register as a scrap tire transporter to transport more than ten tires in the state of Ohio:

OAC Rule 3745-27-54(A)(1) - Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code.

During my February 1 investigation, you advised Officer Hileman and me that you will be removing all scrap tires from your premises. As we indicated to you, we will be returning to monitor your compliance with Ohio law within 30 days. Please retain copies of tire transporter shipping papers and receipts to document proper shipment.

Please contact me at 740/380-5219 if you have any questions.

Sincerely,



Peter C. Thompson
Division of Solid and Infectious Waste Management

PCT/jg

cc: Steve Hileman, Lawrence-Scioto Solid Waste Management District