



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 21, 2009

**RE: LAWRENCE COUNTY
TIRES - GEN**

Discount Tire
Attention: Jeff Cody
3131 South 3rd street
Ironton, Ohio 45638

Dear Mr. Cody:

On August 12, 2008, I conducted an inspection of Discount Tire to determine compliance with Ohio Administrative Code (OAC) 3745-27-60. I met with you on this inspection to discuss your scrap tire management program.

I observed that you are storing the scrap tires that you generate under the roofed storage building behind your business and in a storage trailer next to your business. The storage trailer is full of scrap tires. I did observe approximately 100 scrap tires on the ground. You stated that Dalton Tire, your scrap tire transporter, has been notified to pick up your tires.

Under Ohio Revised Code (ORC) Chapter 3734.01(E) and Ohio Administrative Code (OAC) Rule 3745-27-01(S)(6) "solid waste" includes scrap tires.

The scrap tires on the ground must also be properly stored and managed in accordance with the OAC 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.

Presently, you are in violation of the following referenced laws and rules.

1. ORC Section 3734.03 states: "No person shall dispose of solid wastes by open dumping or open burning."

OAC Rule 3745-27-05(C) states: "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."

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2. Pursuant to OAC Rule 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 Rule 3745-27-60(B)(1)(10).
3. 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.

Presently, you are in violation of the above referenced rules.

All scrap tires located on the ground must be removed and properly disposed of at an approved solid waste facility. Please respond to this letter within fifteen days to inform me of your intentions and actions taken to abate the above noted violations.

On this inspection, I determined that you are not in compliance with the rules. I observed that you currently are using Dalton Tire of Ashland, Kentucky to transport your scrap tires.

If you have any questions, feel free to contact me at (740) 380-5246.

Sincerely,



Clint Shuff, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CS/jg

cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District
cc: Paul Dressler, Ironton City Health Department