



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

June 15, 2009

**RE: LAWRENCE COUNTY  
TIRES - GEN  
30000935**

Ms. Diane McComas  
Chet's Auto Parts  
2635 County Road 66  
Proctorville, Ohio 45669

Dear Ms. McComas:

The Southeast District Office of the Ohio EPA received a complaint that open dumping of solid waste, which includes scrap tires, and assorted solid waste is occurring on your property off of Wolf Creek Road, in Lawrence County, Ohio.

I conducted an inspection of the property on June 11, 2009. I observed assorted solid wastes dumped on the property and approximately 1000 scrap tires on different areas of the property. This included 8 drums of an unknown substance.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(6) "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.

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

1. Pursuant to Ohio Administrative Code (OAC) 3745-27-60(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 Ohio Administrative Code 3745-27-60(B)(1) through (10).

(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.

Some of the tires that are off the rims are not covered and have water in the tires; this is a violation.

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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.

Scrap tires are dumped on the ground along with other solid wastes.

3. Ohio Revised Code Chapter 3734.03 states in part, "No person shall conduct, permit, or allow open dumping."

Scrap tires are dumped on the ground along with other solid wastes.

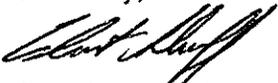
Presently, you are in violation of the above referenced rules.

Open dumping of scrap tires and solid wastes must cease immediately. All solid wastes, and scrap tires, located on your property must be removed and taken to a licensed solid waste disposal facility for proper disposal. Obtain receipts from the landfill that received the wastes and provide those copies to this District Office in order to document your compliance.

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 applicable State and Federal laws and regulations.

Should you have questions, please contact me at (740) 380-5246.

Sincerely,



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

CAS/jg

cc: Lawrence County Health Department  
cc: Dan Palmer, Lawrence and Scioto County Solid Waste Management District