



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

February 20, 2009

**RE: LAWRENCE COUNTY  
TIRES - GENERAL**

Mr. Jeremy McCann  
438 County Road 59  
Chesapeake, Ohio 45619

Dear Mr. McCann:

The Southeast District Office of Ohio EPA received a complaint that open dumping and burning of scrap tires is occurring on property located at 438 County Road 59, in Lawrence County, Ohio. I conducted an inspection of this property on February 17, 2009. No one was home on this inspection. I observed that approximately 20 scrap tires have been dumped and burned on this property.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code Rule 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.

Open dumping and 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).

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."

Scrap tires are open dumped and burned on the property. This is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C).

LAWRENCE COUNTY  
TIRES - GENERAL  
FEBRUARY 20, 2009  
PAGE 2

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

The scrap tires on the property are a nuisance, a hazard to public health or safety or a fire hazard because they are improperly stored and managed. This is a violation of OAC Rule 3745-27-60(B).

3. OAC 3745-27-54(A) No person shall transport scrap tires in the state of Ohio without first obtaining an annual registration certificate.

You are not registered with Ohio EPA to transport scrap tires.

Open dumping and burning of scrap tires a solid waste must cease immediately. All burnt scrap tires and waste residuals disposed at the described location are to 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. Please respond to this district office within fifteen days of receipt of this letter to inform me of your intentions and actions taken regarding the open dump.

The disposal facility located nearest to you is the Pike Sanitation Landfill at 11775 State Route 220, Waverly, Ohio. The Portsmouth Exempt Transfer Station is also located on Elm Street in Portsmouth, Ohio. You may choose to use other permitted and licensed facilities as well.

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

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

Sincerely,



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

CS/jg

cc: Lawrence County Health Department  
Dan Palmer, Lawrence and Scioto County Solid Waste Management District  
Cindy Charles, Portsmouth Local Air Authority