



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

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www.epa.state.oh.us

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

April 7, 2008

**RE: LAWRENCE COUNTY
TIRES - GENERAL
30000061**

John Willis
Buckeye Auto
9526 State Route 243
South Point, OH 45680

Dear Mr. Willis:

This Agency conducted a follow-up inspection of the complaint that scrap tires are dumped at your business property and not stored correctly. This site is known as Buckeye Auto located off of State Route 243 in South Point, Ohio. I conducted an inspection of the business on April 1, 2008, and met with you to discuss the issue. I observed that you have removed scrap tires since my last inspection.

You stated that Pike Sanitation has removed approximately 2,400 scrap tires since my last inspection. I observed approximately 150 scrap tires remaining outside and approximately 1,000 scrap tires located in your barn. As the property owner, you are responsible for the proper storage and disposal of all of the scrap tires that exist on your property. Most of the scrap tires are on rims. We discussed that you could recycle the rims to earn money to provide for the proper disposal of the remaining scrap tires.

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.

In the event scrap tires catch fire, the smoke becomes 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. Additionally, the pyrolytic oil released from burning tires can pollute nearby waters. Open dumping and open 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).

The remaining scrap tires on your property 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."

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

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 is 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 (11).

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. The scrap tire regulations also require control of disease vectors related to any storage of scrap tires. Pursuant to OAC Rule 3745-27-60(C)(1)(b), scrap tires need to be stored such that water does not accumulate in them and that they shall be kept free of water at all times. Pursuant to OAC Rule 3745-27-60(C)(2), mosquito control must be maintained 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.

It appears that no mosquito control is being conducted by you at the business; many tires that are not on rims are full of water. This is a violation of OAC Rule 3745-27-60(C)(1)(b) and OAC Rule 3745-27-60(C)(2).

All scrap tires and assorted solid wastes 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 or waste hauler 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. Failure to comply with Ohio's open dumping and scrap tire laws and rules may result in escalated enforcement, including litigation and the imposition of civil penalties.

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.

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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, P.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CS/cb

cc: Robert Large, DSIWM, CO
Lawrence County Health Department
Dan Palmer, Lawrence and Scioto County Solid Waste Management District