



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

November 8, 2007

**RE: LAWRENCE COUNTY
TIRES – GENERAL
30000000**

Mr. Ken Cogan
162 Township Road 616
South Point, Ohio 45680

Dear Mr. Cogan:

The Southeast District Office of Ohio EPA received a complaint that alleges that you are open dumping scrap tires on your property located in Lawrence County, Ohio. I conducted an inspection of the property on November 1, 2007. I observed approximately 100 scrap tires on the ground in front of your business, and I observed that used oil was leaking out of an engine that had been removed from a truck.

I spoke with your employees about the violations and I was informed by your staff that they would be addressed immediately.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code Rule 3745-27-01(S)(24), "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 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 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 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).

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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).

Please be advised in accordance with OAC Section 3745-27-54 (A) that if you haul more than ten (10) scrap tires at a time, you need to be registered with Ohio EPA as a registered scrap tire transporter.

All scrap tires disposed at the described location are to be removed from the property and taken to a licensed solid waste disposal facility for proper disposal.

OAC 3745-279-22(D), Used Oil Requirements for Generators: Upon detection of a release of used oil to the environment, a generator must perform the following:

- (a) Stop the release,
- (b) Contain the released used oil, and
- (c) Clean up and manage properly the released used oil and other materials

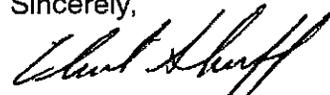
During the inspection, Ohio EPA noticed used oil leaking from a motor/transmission being stored on the ground. Cogan's failed to stop, contain, and clean up the release, in violation of this rule. Cogan's shall clean up all remnants of the release and submit documentation to Ohio EPA, including photographs and receipts from the off-site disposal of contaminated debris. Clean up shall be to a visual standard; excavate soil/gravel until no more used oil can be detected visually. Clean up debris can be disposed of as a solid waste at a licensed solid waste landfill.

Obtain copies of receipts from the landfill or waste hauler that received the scrap tires 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 above noted violations.

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
Scott Bergreen, SEDO. DHWM