



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
Laura H. Powell, Acting Director

January 29, 2007

**RE: LAWRENCE COUNTY
TIRE - GEN
20070025**

Mr. Danny Daniels
639 Township Road 1010
Proctorville, Ohio 45669

Dear Mr. Daniels:

The Southeast District Office of the Ohio EPA received a complaint that open dumping of solid waste, which includes abandoned cars and scrap tires is occurring on property off of County Road 402, in Rome Township, Lawrence County, Ohio.

I conducted an inspection of the property on January 23, 2007. I observed solid wastes including abandoned cars, approximately 500 scrap tires, and assorted solid wastes dumped and disposed at the property. Records obtained at the Lawrence County Courthouse indicate that this property belongs to you. Auditors Office records indicate that you are not registered as a junk yard.

Ohio Revised Code ("ORC") Section 3734.03 provides in pertinent part "No person shall dispose of solid wastes by open burning or open dumping.." ORC Section 3734.01(E) and Ohio Administrative Code (OAC) Section 3745-27-01(S)(24) "solid waste" includes scrap tires.

Scrap tires must be properly stored and managed in accordance with the OAC 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the OAC.

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 mosquitos. Mosquitos 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 OAC Section 3745-27-54(A)(1), no person shall transport scrap tires in the State of Ohio without obtaining an annual registration certificate. Pursuant to Ohio Administrative Code Chapter 3745-27-61(A)(1)(a) and Chapter 3745-27-61(A)(1)(a), an application for a registration certificate must be obtained prior to accepting scrap tires at a new or existing facility.

Currently, you are not registered as a scrap tire transporter, nor do we have a record of you ever applying to be a scrap tire transporter.

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

Pursuant to OAC Section 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.

It appears that no mosquito control is being conducted by you at the Property. Many tires were full of water. This is a violation and a health risk.

3. OAC Section 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 throughout the Property.

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

Open dumping of cars, scrap tires, and solid wastes must cease immediately. All abandoned cars, solid wastes, and scrap tires located on your property must be removed and taken to a licensed solid waste disposal facility for proper disposal or a recycling facility. You must obtain receipts from the landfill that received the wastes and provide those copies to this District Office in order to document your compliance. I am requesting that you respond to me at this District Office within ten days of receipt of this letter to indicate your intentions regarding the resolution of the open dumping on the Property.

The disposal facility located nearest to you in Ohio 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. The scrap metal and junk cars can be recycled. You may choose to use other permitted and licensed facilities as well.

LAWRENCE COUNTY
JANUARY 29, 2007
PAGE 3

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