



State of Ohio Environmental Protection Agency

Southeast District Office

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

October 26, 2009

**RE: MEIGS COUNTY
TIRE - GEN**

Mr. Steve Retzloff
38815 Gold Ridge Road
Pomeroy, OH 45769

Dear Mr. Retzloff:

On September 30, 2009, Ken Mettler of this office and I visited your property as part of a complaint investigation related to the illegal transport and storage of scrap tires. At the time of our visit, we met with you to view the grounds and discuss the situation. Following is a summary of our discussion and findings at the time of our visit.

Our observations at the property were that approximately 600 scrap tires are piled around the manufactured home where you live. Some scrap tires were also stored inside a stripped down manufactured home next to your home. During our discussion, you stated that you obtained the scrap tires at various locations and through activities such as scrapping old cars, collecting scrap tires from used car lots and other miscellaneous sources. Once you obtain the scrap tires, you indicated that you were selling them to tire shops in the area that have a market for used tires. Sometimes the scrap tires are unusable and are returned to you by the tire shop. Most of the scrap tires piled around the property appeared no longer usable and had been returned by tire shops.

As I indicated at the time of our visit, based on our observations, the site is in violation of open dumping of solid waste in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapters 3745-27 of the Ohio Administrative Code (OAC). Specifically:

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

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(s) responsible for the open dumping, the owner of the property, or the person(s) who allow 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.

OAC Rule 3745-27-60(B) states that "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 fire hazard unless the tires are stored in accordance with the following standards":

OAC Rule 3745-27-60(B)(1) states that sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored. Your scrap tires are not being stored with sufficient drainage such that water does not collect in the tires. Water was observed in the scrap tires.

OAC Rule 3745-27-60(B)(6)(d) states in part that scrap tire piles of more than five hundred (500) scrap tires shall be separated from other scrap tire piles and from buildings and structures by a fire lane with a width equal to or greater than fifty-six (56) feet. Scrap tire piles at this site are not separated by a fire lane that is at least 56 feet wide.

MEIGS COUNTY
TIRE - GEN
OCTOBER 26, 2009
PAGE 2

OAC 3745-27-60(B)(6)(e) states that fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves. Combustible materials, consisting primarily of weeds and leaves, surround the scrap tire pile on your property.

OAC Rule 3745-27-60(B)(8) states that approved methods shall be used to control mosquitoes at the premises. No mosquito control activity has been used at the site.

The scrap tire pile is in violation of OAC Rule 3745-27-60(B) and is a nuisance, a hazard to public health or safety, and a fire hazard.

Scrap tires are a solid waste and must be properly stored and managed in accordance with OAC 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.

Pursuant to Ohio Revised Code (ORC) 3734.03 and OAC 3745-27-05(C), no person shall conduct, permit, or allow open dumping. Our investigation found that scrap tires are open dumped at this site and you are, therefore, in violation of the aforementioned law and rules.

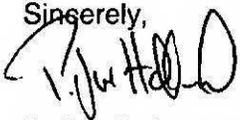
In addition, anyone who transports more than ten scrap tires at any one time must be registered to do so with the Ohio Environmental Protection Agency. A Scrap Tire Transporter Registration must be obtained and maintained to actively collect and transport scrap tires. A Registration Application can be obtained by contacting me at this office.

During our visit, you inquired about where the scrap tires could be properly disposed. Please find enclosed a list of places that can legally transport and/or dispose of scrap tires.

As I indicated at the time of my visit, the Meigs County Health Department has primary authority in the county for proper management of scrap tires and other solid waste. I have discussed this issue with them and they will be contacting you in the near future to establish a schedule for removal and proper disposal of all scrap tires at the property. All scrap tires must be removed from the property and disposed of or recycled at an approved facility. Failure to remove and properly dispose of all scrap tires at the property may result in escalated enforcement action by the Meigs County Health Department or this agency.

If you have any questions regarding this matter, you may contact me at 740-380-5439.

Sincerely,



P. Joe Holland, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

PJH/jg

cc: Keith Little, Meigs County Health Department