



State of Ohio Environmental Protection Agency

Southeast District Office

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

April 23, 2007

**RE: SCIOTO COUNTY
TIRES GENERAL
20070118**

Mr. Dewey Newsome
4184 Blue Run Road
Lucasville, Ohio 45648

Dear Mr. Newsome:

This Agency received a complaint that open dumping and burning of scrap tires is occurring on your property located off of Blue Run Road in Lucasville, Ohio. I conducted an inspection of the site on April 16, 2007, and observed approximately 10 scrap tires dumped and burnt on your property. I also observed several scrap tires behind your garage. You were not at home on this inspection.

Please be advised that:

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

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.

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

1. Pursuant to Ohio Administrative Code Chapter 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 record of you ever applying to be a scrap tire transporter.

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2. 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 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 on your property.

3. Pursuant to Ohio Administrative Code 3734-27-60(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 Ohio Administrative Code 3745-27-60(B)(1)(10).

The scrap tires are not stored in accordance with the rule.

4. The law requires control of disease vectors related to any storage of scrap tires. Therefore, pursuant to Ohio Administrative Code 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.

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

All scrap tires must be removed to an approved solid waste facility for proper disposal. Please respond to this letter within fifteen days to inform me of your intentions and actions taken to abate this open dump. Please provide me with information on when and who set the tires on fire.

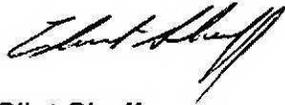
I suggest that you contact one of the following facilities to arrange legal transportation and disposal of the scrap tires: Pike Sanitation, Waverly, Ohio; Portsmouth Solid Waste Transfer Facility, Portsmouth, Rumpke Waste Wellston, Ohio.

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/operator of his/her obligation to comply with other applicable State and Federal laws and regulations.

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Should you have any questions, feel free to contact me at (740) 380-5246.

Sincerely,



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

CAS/jg

cc: Mike Trapp, Scioto County Health Department
Dan Palmer, Lawrence and Scioto County Solid Waste Management District