OhioEPA

State of Ohio Environmental Protection Agency

Southeast District Office

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

December 28, 2007

RE: SCIOTO COUNTY
TIRES - GEN
NOTICE OF VIOLATION

Mr. James Alley
267 Shonkwiler Road
Lucasville, Ohio 45648

Dear Mr. Alley:

This Agency received a complaint that scrap tires, a solid waste, is dumped on your property off of Shonkwiler Road in Jefferson Township, Lucasville, Ohio. I conducted an inspection of your property on December 27, 2007. I observed approximately 300 scrap tires exist on your property dumped in two piles. No one was home on this inspection.

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 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 (OAC) 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 Ohio Administrative Code 3745-27-60(B)(1) through (10).

   Scrap tires are dumped and burned on the ground.

   The law requires control of disease vectors related to any storage of scrap tires.

(OAC) 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; this is a violation.

2. 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 and burnt on the ground; this is a violation.

3. Ohio Revised Code Chapter 3734.03 states in part, "No person shall conduct, permit, or allow open dumping."

   Scrap tires are dumped on the ground on your property; this is a violation.

4. OAC 3745-27-54(A) No person shall transport scrap tires in the state of Ohio without first obtaining an annual registration certificate.

   You are not registered with Ohio EPA to transport scrap tires.

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

Open dumping of scrap tires a solid waste must cease immediately. All scrap tires on your property must be removed and taken to a licensed solid waste disposal facility or recycling facility for proper disposal. 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 and actions taken regarding your open dump.

The closest scrap tire facilities to Scioto County is Pike Sanitation in Waverly, Ohio (740) 947-5756). You may use other facilities as well. You should contact one of these facilities to assist you in removing and properly disposing the remaining scrap tires.

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

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

Sincerely,

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

CS/jg

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