



State of Ohio Environmental Protection Agency

Southeast District Office

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

January 22, 2008

**RE: SCIOTO COUNTY
TIRES - GEN
30000074**

Mr. Wilburn Collier
383 Larue Lane
Elizabethtown, KY 42701

Dear Mr. Collier:

This Agency received a complaint that an open dump of scrap tires, a solid waste, exists on property located off of Dennison Hollow Road, in South Webster, Scioto County, Ohio. On January 16, 2008, I conducted an inspection of this property and observed approximately 100 scrap tires on the ground in an area that is being clear cut. Property records obtained from the Scioto County Court House indicates that this may be your property.

Under Ohio Revised Code (ORC) Chapter 3734.01(E) and Ohio Administrative Code (OAC) Rule 3745-27-01(S)(24) "solid waste" includes scrap tires.

Scrap tires that are being sold as used tires must be properly stored and managed in accordance with the 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 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."

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2. Pursuant to OAC Rule 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 OAC Rule 3745-27-60(B)(1)(11).
3. The scrap tire regulations also require control of disease vectors related to any storage of scrap tires. Pursuant to OAC Rule 3745-27-60(C)(1)(b), scrap tires need to be stored such that water does not accumulate in them and that they shall be kept free of water at all times. Pursuant to OAC Rule 3745-27-60(C)(2), mosquito control must be maintained by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.

It appears that no mosquito control is being conducted by you at the property, and many tires are full of water. This is a violation of OAC Rule 3745-27-60(C)(1)(b) and OAC Rule 3745-27-60(C)(2).

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

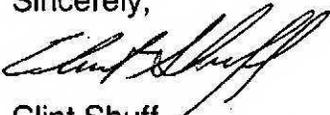
All scrap tires must be removed to an approved solid waste facility for proper disposal. Please respond to this letter within fifteen days to inform me of your intentions and actions taken to abate the above noted violations.

The following facilities may provide legal transportation and disposal of the scrap tires: Pike Sanitation (740) 947-7082, Waverly, Ohio; Iron Valley Landfill, Chesapeake, Ohio (740) 867-9991; Dalton Tire (606) 325-7717, Ashland, Kentucky; or Porter Tire (606) 286-4484 in Olive Hill, Kentucky. These are facilities that can accept scrap tires. You may contact other approved and licensed facilities as well.

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.

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

CS/cb

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