



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

December 11, 2008

**RE: SCIOTO COUNTY
TIRES - GEN
NOTICE OF VIOLATION**

Mr. Mike Besco
16 Besco Road
Wheelersburg, Ohio 45694

Dear Mr. Besco:

This Agency received a complaint that open dumping of solid wastes, including scrap tires is occurring on your property located adjacent to Lick Run Lyra Road, Wheelersburg, Ohio. I conducted an inspection of the property on December 2, 2008.

I met with you on this day to discuss the open dumping complaint. You stated that the dumpsite is an old dumpsite that was generated by your father who is now deceased and that the dumpsite was waste that your father generated from the residence and dumped on the family farm. You stated that you have Shawnee Sanitation as a waste hauler. You indicated that as a former deputy, you thought that there was an exemption for the waste generated on your property and disposed on your property.

Please be advised that this exemption may be found in Ohio Administrative Code 3745-27-03 (A)(1) which refers to solid wastes generated within a single-family residence, and disposed of on the premises where generated in a manner that does not create a nuisance or health hazard.

The wastes on your property are located on a creek bank, are not covered, and contain approximately 50 scrap tires. The location and condition of the dumpsite creates a nuisance and health hazard.

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

Improper storage or dumping of scrap tires, and other solid wastes poses several potential problems for the local residents, and the environment. 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.

The location of this dumpsite also leads to water pollution and movement of the wastes off site by floodwaters.

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1. 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.
2. Ohio Revised Code Chapter 3734.03 states in part, "No person shall conduct, permit, or allow open dumping."

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

All scrap tires and other solid wastes on your property must be removed and taken to a licensed solid waste disposal facility or for proper disposal.

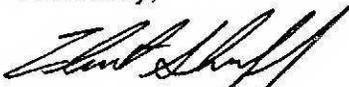
Obtain receipts from the facility that receives the wastes and provide those copies to this district office in order to document your compliance. I am requesting that you respond to me at this district office within 10 days of receipt of this letter to indicate your intentions and actions taken to correct the above noted violations.

The closest scrap tire facility to you in Scioto County is the Portsmouth Scrap tire Collection Facility on Elm Street in Portsmouth, Ohio. You may use other licensed scrap tire and solid waste 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 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, P.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

CS/jg

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