



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

December 11, 2008

**RE: SCIOTO COUNTY
TIRES - GEN
NOTICE OF VIOLATION
30000683**

Ms. Phyllis Ross
1229 Main Street
West Portsmouth, Ohio 45662

Dear Ms. Ross:

This Agency received a complaint that scrap tires and other solid wastes are dumped on your property off of Main Street in West Portsmouth, Ohio. I conducted an inspection of your property on December 2, 2008. I observed that approximately 50 scrap tires exist on your property dumped behind your residence, along with scattered solid wastes. Some of the wastes are being burnt. No one was home on this inspection.

Under Ohio Revised Code Chapter 3734.01(E) and Ohio Administrative Code 3745-27-01(S)(6) "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.

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 on the ground.

2. OAC 3745-27-05(C) - No person shall conduct, permit, or allow open dumping or open burning. 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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Scrap tires and other solid wastes 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 or open burning."

Scrap tires and other solid wastes are dumped and burnt on the ground on your property; this is a violation.

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

Open dumping of scrap tires and other solid waste must cease immediately. All scrap tires and solid wastes 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 facility 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 facility to Scioto County is the Portsmouth Transfer Station on Elm Street. You may use other facilities as well. I suggest that you obtain the services of a registered waste hauler.

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
cc: Cindy Charles, Portsmouth Local Air Authority