



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

March 12, 2009

**RE: SCIOTO COUNTY
GENERAL
NOTICE OF VIOLATION
30000791**

Mr. Eric Berry
2006A Thompson Hill Road
Otway, Ohio 45657

Dear Mr. Berry:

This Agency received a complaint that solid wastes are dumped on property adjacent to Madison Street in Portsmouth, Ohio. Property records obtained from the Scioto County Courthouse indicates that you are the property owner of parcel #29-0962.000.

I conducted an inspection of the property on March 2, 2009. I observed that approximately 40 scrap tires are dumped behind a vacant building on your property along with assorted solid wastes and demolition debris. Concrete and asphalt is being dumped on your property and the property adjacent to the north; it appears that the person responsible for this dumping is driving across your property.

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

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

1. Ohio Administrative Code (OAC) Rule 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. The law requires control of disease vectors related to any storage of scrap tires.

Ohio Administrative Code (OAC) Rule 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.

3. Ohio Administrative Code (OAC) Rule 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 and assorted solid wastes are dumped on the ground; this is a violation.

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

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

5. Ohio Administrative Code (OAC) Rule 3745-400-04(B) - No person shall conduct or allow illegal disposal of construction and demolition debris.

The concrete and asphalt which is considered a "clean hard fill" must be provided proper disposal or reuse in accordance with Ohio Administrative Code (OAC) Rule 3745-400-05. Clean hard fill may be stored for up to two years, but must be removed within that time period, or it is considered illegal disposal of construction and demolition debris Ohio Administrative Code (OAC) Rule 3745-400-05(B).

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

Open dumping of scrap tires, solid wastes and demolition debris must cease immediately. All scrap tires, solid wastes and demolition debris 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.

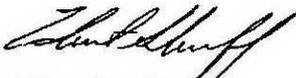
SCIOTO COUNTY
TIRES - GEN
MARCH 12, 2009
PAGE 3

The closest scrap tire facility to Portsmouth is the Portsmouth Scrap Tire Collection Facility. You may use other 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 & Scioto County Solid Waste Management District
cc: Chris Smith, Portsmouth City Health Department, 605 Washington Street, Portsmouth,
Ohio 45662