OhioEPA
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

September 24, 2007

FILE: TUSCARAWAS
TIRE-DYNAMIC TIRE

Jomarwil Inc.
PO Box 810
New Philadelphia, Ohio 44663

RE: Site Inspection Conducted on September 5, 2007

Dear Mr. Furguson:

On September 6, 2007, I accompanied Mike Check of the Tuscarawas County Health District on an inspection of Dynamic Tire. As the legal property owner, you are considered a responsible party for allowing the improper storage of scrap tires at your property. At the time of our inspection, we met with Lee Furguson to discuss Dynamic Tire's compliance status with Ohio's Scrap Tire Regulations. At the time of our inspection, we requested copies of Mr. Fuguson's shipping papers and conducted an inspection of the scrap tire storage at your facility.

At the time of our inspection, a count of the scrap tires stored at the Dynamic Tire facility was conducted. As discussed with Mr. Fuguson at that time two piles could not be counted due to the density and organization of the piles. Therefore measurements were taken and pile number one on the eastside of the building was estimated to be 50'L X 8' W X 6' H which equals 355 scrap passenger tires. Pile number two was the box truck which has no roof and therefore considered outdoor storage. The measurements as discussed with Mr. Fuguson were 24'L X 8'W X 6'H which equals 320 passenger tires. At the time of our visit, 500 truck tires were counted which added with pile one and pile two equals a total of 1267 scrap tires stored at your facility. Base our discussions with Mr. Fuguson and observations made during the inspection Jomarwil Inc, is in violation of the following regulations as the owner of the property:

1. Ohio Administrative Code(OAC) Rule 3745-27-60 (B) States that " 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 fire hazard unless the tires are stored in accordance with the following standards." As the property owner you are in violation of this regulation due to the illegal storage of the scrap tires at the Dynamic Tire facility. Please cause all scrap tires at you property to be stored in compliance with Ohio's Scrap Tire regulations.

2. OAC 3745-27-60 (B) (6) (d) States "Scrap tire storage piles of more than five hundred scrap tires shall be separated from other scrap tire storage piles and from buildings and structures by a fire lane with a width equal to or greater than fifty-six feet in accordance with the fire lane chart described in paragraph (F) of rule 3745-27-65 of the Administrative Code."

   At the time of our inspection, I observed that the scrap tires were being stored against the building. Based on this observation and the number of scrap tires being stored outside (1267 scrap tires) Jomarwil Inc, is in violation of this regulation. Please either remove all scrap tires from the facility or store them in accordance with Ohio's Scrap Tire regulations.

3. OAC 3745-27-60 (B) States "One or more of the following shall be done to control mosquitoes at the premises:

   (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

   (b) 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 thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide.

   (c) Use another method of mosquitos' control which is approved by Ohio EPA.

   At the time of our inspection, water was observed in many of the tires and larvae were observed in at least one tire. Based on these observations Jomarwil Inc, is in violation for failure to comply with the requirements of the aforementioned regulation to control mosquitoes. Please be advised that since mosquito larvae were observed OAC 3745-27-60 (B) (9) requires that a larvicide be applied within 24 hours of notification by Ohio EPA or the local health district that larvae were present. This notification was given at the time of the inspection.

4. OAC 3745-27-61 (A) (2) requires all persons was more then 1000 scrap tires to apply for a registration as a collection or storage facility.

Jomarwil Inc, is in violation of this regulation for failure to register as a collection or storage facility as required by this rule. Please either have the scrap tires removed by a registered shipper or submit the required registration.

Please provide a written response outlining the steps Jomarwil will take to bring about compliance with Ohio's Scrap tire regulation at the Dynamic Tire Property. If you have any questions, please feel free to contact me at 740-380-5435.

Sincerely,

Dale W. Warner, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

DWW/cb

cc: Tuscarawas County Health Department
Ken Mettler, SEDO-DERR