



State of Ohio Environmental Protection Agency

*Clark County
Health Dept
Ben Carr*

Southwest District

401 East Fifth Street
Dayton, Ohio 45402-2911

TELE: (937)265-6357 FAX: (937)265-6249
www.epa.state.oh.us

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

February 8, 2008

Mr. Richard Haulman
801 Old Mill Road
Springfield, Ohio 45506

RE: Haulman Landfill (Closed) located at 1291 Cold Springs Road, Clark County
Notice of Violation- Scrap Tire Accumulation

Dear Mr. Haulman:

On January 16, 2008, Anne Kaup-Fett of the Clark County Combined Health District (CCCHD) and I representing the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) conducted an inspection of your property located at 1291 Cold Springs Road, Springfield, Ohio (Parcel #1800600021000072) formerly known as Haulman Landfill and Clark County Landfill (hereinafter known as "Facility"). According to the Clark County Recorder's Office records indicate that Richard Haulman is the owner of real property of the aforementioned parcel.

Based upon my discussions with CCCHD, Ohio EPA was notified that a scrap tire drawdown plan (STDDP) was signed by you and their legal representative, Health Commissioner, Charles Patterson for the removal of scrap tires from your property, formerly known as Haulman Landfill on April 23, 2007 and amended on May 29, 2007.

The purpose of my inspection was to determine compliance with Ohio's Scrap Tire regulations. I have enclosed photographs taken at the time of the inspection. At the time of the site inspection on January 16, 2008, the following violations were observed:

1. Approximately 50,000 scrap tires exist at this site dumped on the ground around the existing landfill, throughout the wooded area of the property and clifed along the area northwest of the farm field (also identified as piles 14 and 15 in the attached map from the STDDP). Piles of miscellaneous solid wastes were also observed along the property, including but not limited to, fuel containers, abandoned vehicles, scrap metal. Open dumping is defined under Ohio Revised Code (ORC) Section 3734.01(I), which states in part:

"Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under Section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under Section 3734.81 of

the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of Section 3734.85 of the Revised Code..."

Open dumping is also defined in Ohio Administrative Code (OAC) Rule 3745-27-01(O)(4)(b), which states in part:

"The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under Section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of Section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code."

Therefore, the presence of solid wastes on your property including but not limited to scrap tires on the ground is a violation of ORC Section 3734.03, which states in part:

"No person shall dispose of solid wastes by open burning or open dumping..."

This is also a violation of OAC Rule 3745-27-05(C), which states in part:

"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(s) responsible for the open dumping, the owner of the property, or the person(s) who allow 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. Several of the scrap tires on the southeast portion of the property that have been dumped along the cliff on the property were observed to have water collecting in them. Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60.

The property owner's improper storage and handling of scrap tires on the property is a violation of OAC Rule 3745-27-60(B)(1), which states in part:

"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:

Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored."

The property owner's failure to store the scrap tires in a way to maintain mosquito controls is a violation of OAC Rule 3745-27-60(C), which states in part:

"(1) One or more of the following shall be done to control mosquitoes:

(a) Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.

(b) Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.

(c) Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.

(2) Maintain mosquito control 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.

(3) Maintain mosquito control records 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. The property owner or the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years."

3. Scrap tires along the north and northeast (piles located in the area along the roadway) were observed partially buried in the soil and trees have grown through several of the tires. There is also weeds and brush growing in and around the scrap tires. The partial burial of tires with soil and leaves on the property is a violation of OAC Rule 3745-27-60(B)(5) which states in part:

"Scrap tires shall not be covered with soil."

4. Large piles of scrap tires cluffed along the southeastern portion of the property contain an estimated 10,000 tires each and currently do not have fire lanes between them. There are small piles of ten (10) to five hundred (500) scrap tires scattered throughout the property near the house, entrance gate to the landfill and in the underbrush along side of the access roadway. There is combustible material including weeds, brush, and leaves growing around the piles of scrap tires.

This is a violation of OAC Rule 3745-27-60(B)(6)(d), which states in part:

“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.”

This is also a violation of OAC Rule 3745-27-60(B)(6)(e), which states in part:

“Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves.”

The property owner's failure to incorporate and maintain fire lanes around the scrap tire piles on the property to allow access of emergency vehicles to and around the scrap tire storage piles and areas is a violation of OAC Rule 3745-27-60(B)(6)(f), which states in part:

“Sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas.”

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.

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal. Scrap tires may be disposed of at a licensed scrap tire disposal facility and the solid waste in a licensed solid waste disposal facility. Transportation of scrap tires in amounts greater than ten (10) scrap tires must be conducted by an Ohio EPA registered scrap tire transporter.

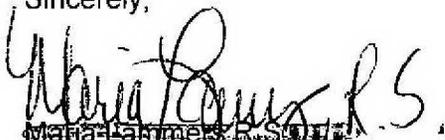
As a reminder, in addition to meeting the requirements of the STDDP you are still obligated to comply with Ohio's Scrap Tire Regulations. Please be advised that continued failure to comply with Ohio's Solid Waste and Scrap Tire regulations may result in escalated enforcement.

Haulman Landfill (Closed), Clark County
Notice of Violation- Scrap Tire Accumulation
Page 5 of 5

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734 or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,



~~Maria Lammers, E.S.~~
Environmental Specialist
Division of Solid and Infectious Waste Management

Enclosure: Photos taken during 1/16/08 inspection
 Aerial Map of tire piles & estimated calculation sheet from the STDDP

cc: Anne Kaup-Fett, Clark County Combined Health District

ML/plh

