



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

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www.epa.state.oh.us

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

Clark Co.
Hilldale Tire Dump
Gen. Corr.

February 25, 2009

Mr. Shane A. Sprinkle and Ms. Michelle Halbirt
2724 Hilldale Road
Springfield, Ohio 45505

**RE: 2725 Hilldale Rd (Parcel Number 3000700021402002), Clark County
Notice of Violation**

On February 10, 2009, Ohio EPA conducted a comprehensive inspection of your property (parcel number 3000700021402002) aka 2801/2725/2753 Hilldale Road, Springfield, Clark County, Ohio (the "Property"). The purpose of this inspection was to determine compliance with Ohio's Solid Waste and Scrap Tire regulations.

During this inspection the following was observed:

1. Scrap tires were observed in piles and scattered on the ground at the site. The presence of these scrap tires on the property constitutes open dumping. Piles of miscellaneous solid wastes were also observed along the property including but not limited to fuel containers, scrap metal, automotive parts and seats, bottles, propane containers, pressurized gas containers, boat frames. There was also a semi-trailer partially filled with tires on the property.

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.

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

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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.”

Failure to remove all solid wastes including but not limited to scrap tires dumped on the Property 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”.

ORC Section 3734.02(C), which states in part:

“No person shall establish a solid waste facility without a permit.” Therefore you are in violation of ORC Section 3734.02(C) for establishing a solid waste facility without a permit.

ORC Section 3745.05(A), which states in part:

“No person shall operate and maintain a solid waste facility without a license...” Therefore you are in violation of ORC Section 3745.05(A) for operating and maintaining a solid waste facility without a license.

OAC Rule 3745-37-01(A), which states in part:

“No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the

2725 Hilldale Rd (Parcel Number 3000700021402002), Clark County
Notice of Violation
February 25, 2009
Page 3 of 5

Administrative Code rules adopted thereunder... Therefore you are in violation of OAC Rule 3745-37-01(A) for conducting operations without a valid license.

ORC 3734.11(A), which states in part:

"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code". Therefore you are in violation of ORC 3734.11(A) for the aforementioned violations.

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. The scrap tires on the property were observed to have water collecting in them.

The 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."

2. During the inspection I observed scattered scrap tire piles, each pile ranging from twenty (20) to seventy-five (75) scrap tires located on the east property boundary. Small piles consisting of approximately ten (10) to forty (40) scrap tires are scattered throughout the property.

Failure to properly store the scrap tires that remain on site is a violation of OAC Rule 3745-27-60(B)(7)(c), which states in part:

"Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."

Combustible material including wood, weeds and tree debris, was present in and around the piles of scrap tires on the property. This is a violation of OAC Rule 3745-27-60(B)(11), which states in part:

"Fire breaks shall be maintained to be free of all combustible material including but not limited to weeds, leaves and debris."

This is also a violation of OAC Rule 3745-27-60(B)(7)(e) which states in part:

"Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around and between 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 above violations of the ORC, and OAC, constitute a violation of ORC 3734.11(A) which states:

"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3734.13 of the Revised Code."

3. Piles of construction and demolition debris (C&DD) were disposed on the ground including but limited to lumber, siding, insulation, drywall, and roofing shingles.

Illegal disposal of C&DD on the property is a violation of ORC Section 3714.06(A), which states is part:

"No person shall establish, modify, operate, or maintain a construction and demolition debris facility without a construction and demolition debris facility installation and operation license..."

This is also a violation of OAC Rule 3745-400-04(B), which states in part:

"No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code".

The above violations of the ORC, and the OAC, constitute a violation of ORC 3714.13, which states:

"No person shall violate any section of this chapter, any rule adopted under it, or any order issued under section 3714 of the Revised Code".

2725 Hilldale Rd (Parcel Number 3000700021402002), Clark County
Notice of Violation
February 25, 2009
Page 5 of 5

The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste and illegal disposal of C&DD. This letter serves to inform you that the solid wastes and C&DD on your property must be removed for proper disposal at a licensed facility. **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a re-inspection scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law.**

Please be advised that the Property owner's continued failure to comply with Ohio's Solid Waste and Construction and Demolition Debris Laws may result in escalated enforcement.

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.

Please respond in writing within fourteen (14) days of receipt of this outlining what steps have been taken to remedy the aforementioned violations.

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

Sincerely,



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

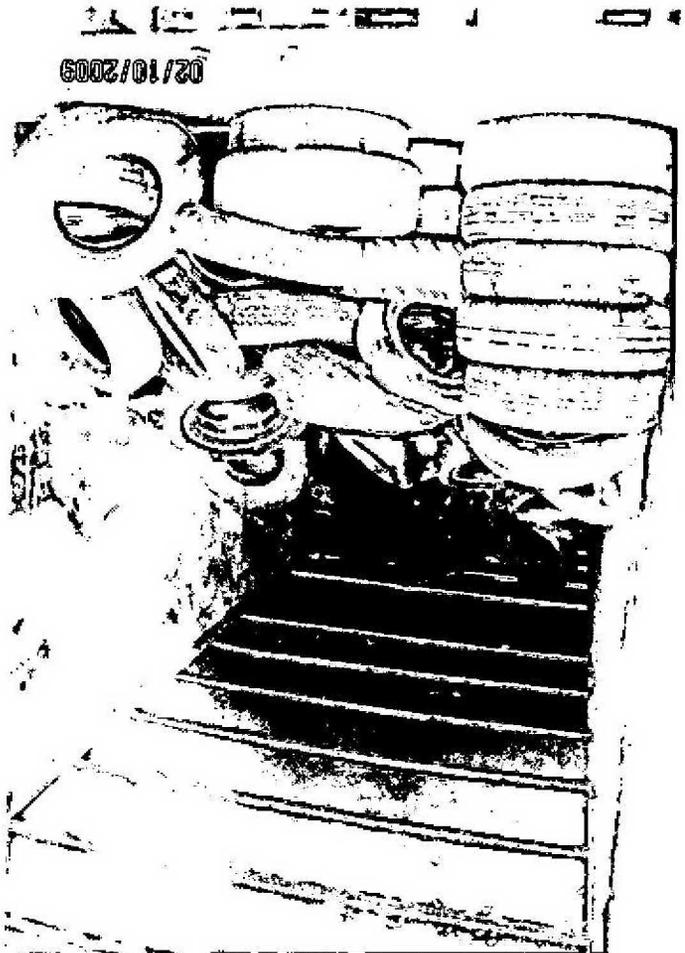
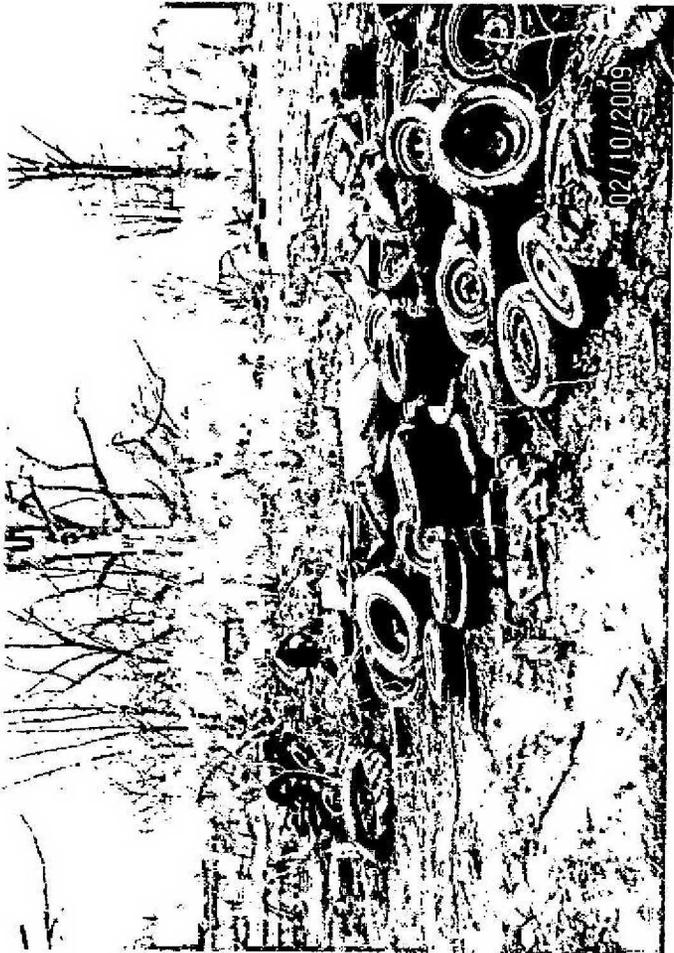
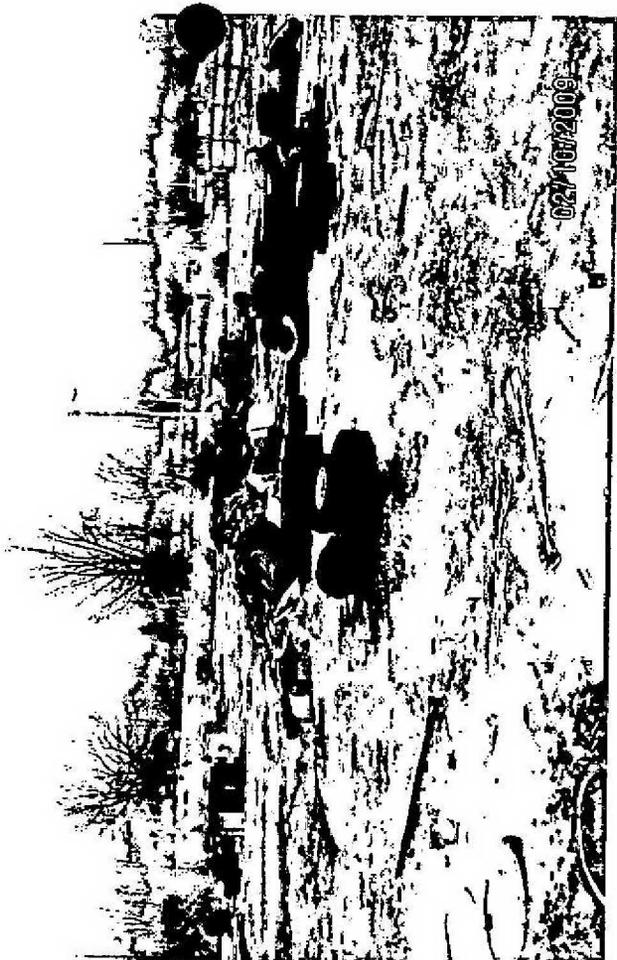
Enclosure: Copies of photos taken during 2/10/09 inspection

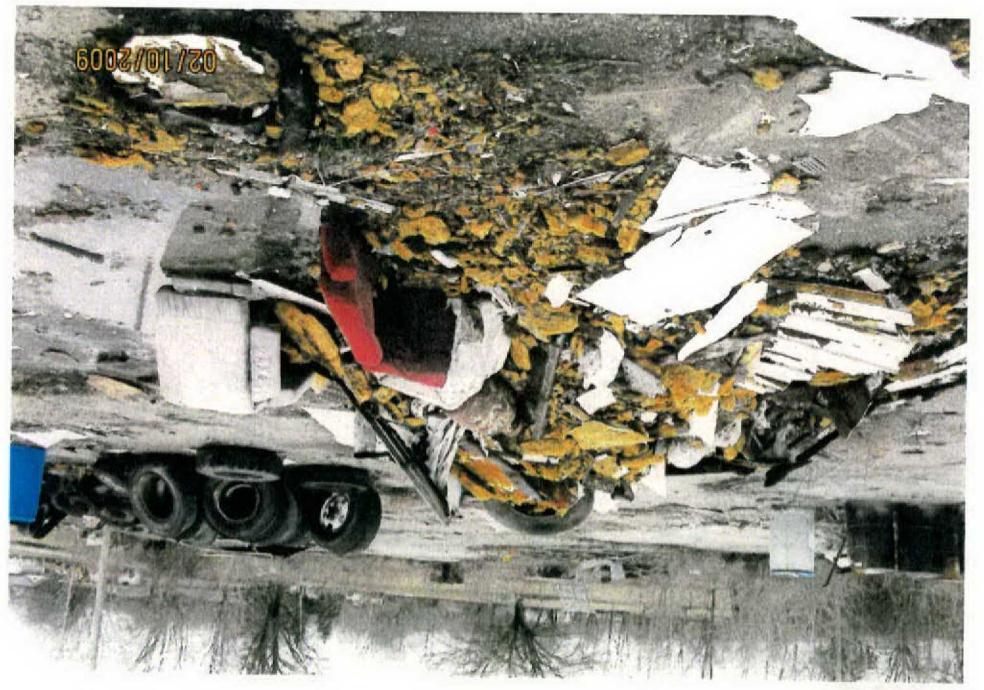
cc: Dan Chatfield, Clark County Combined Health District w/enclosure
Matt Boyer, Ohio EPA w/enclosure

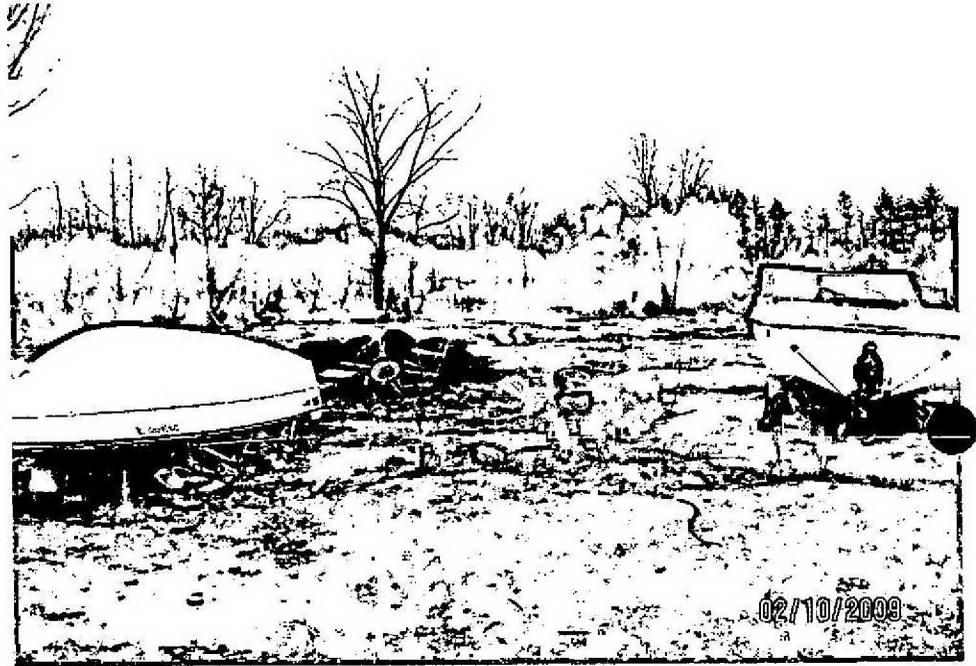
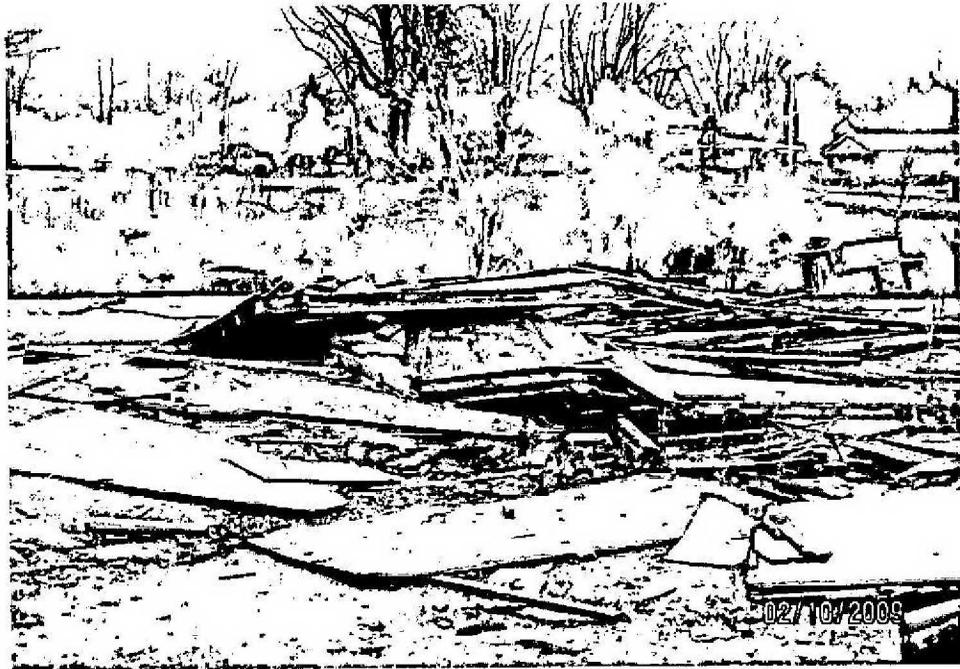
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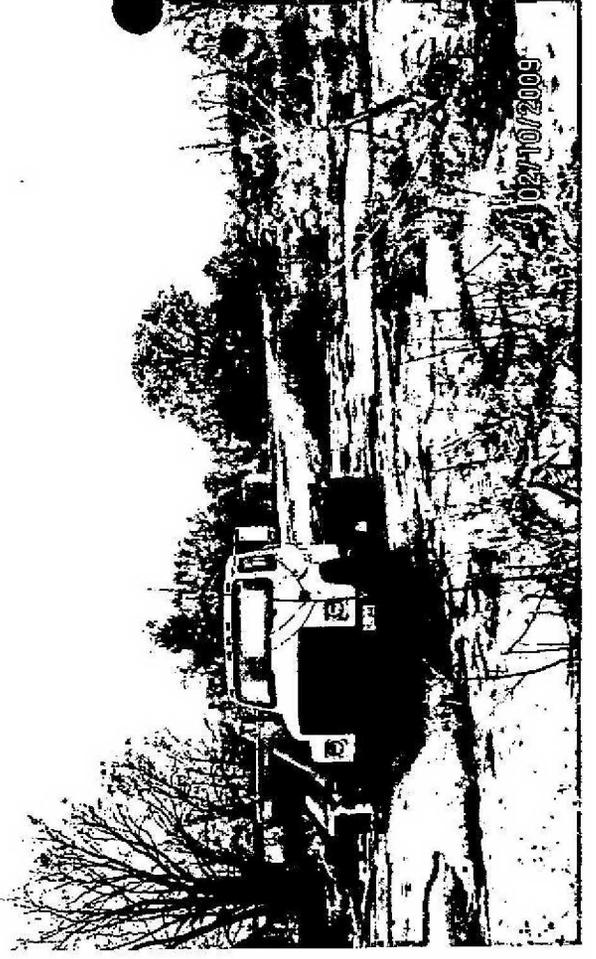








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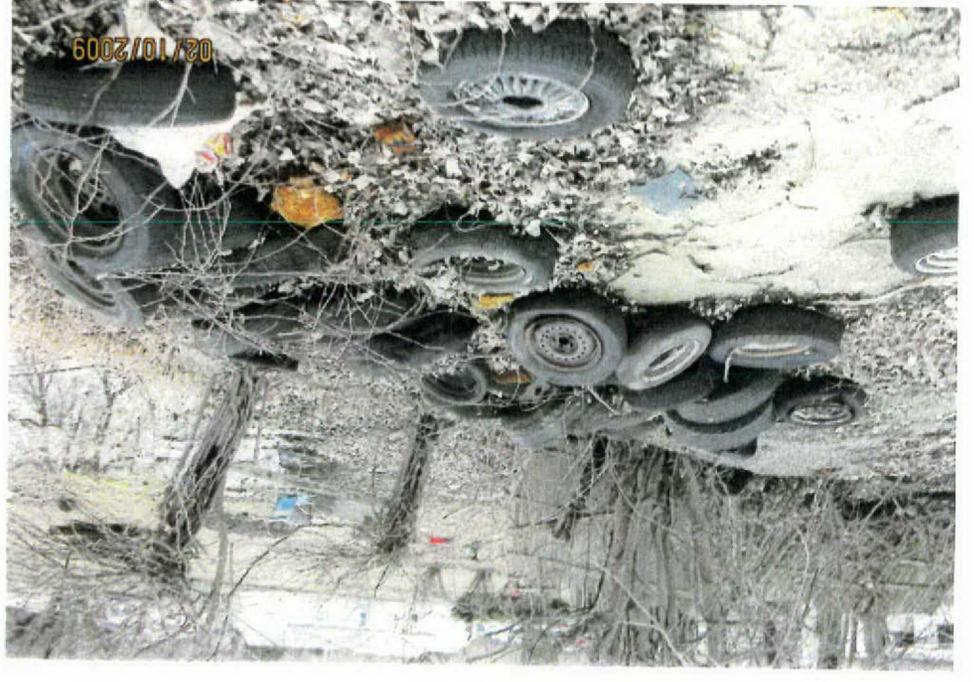
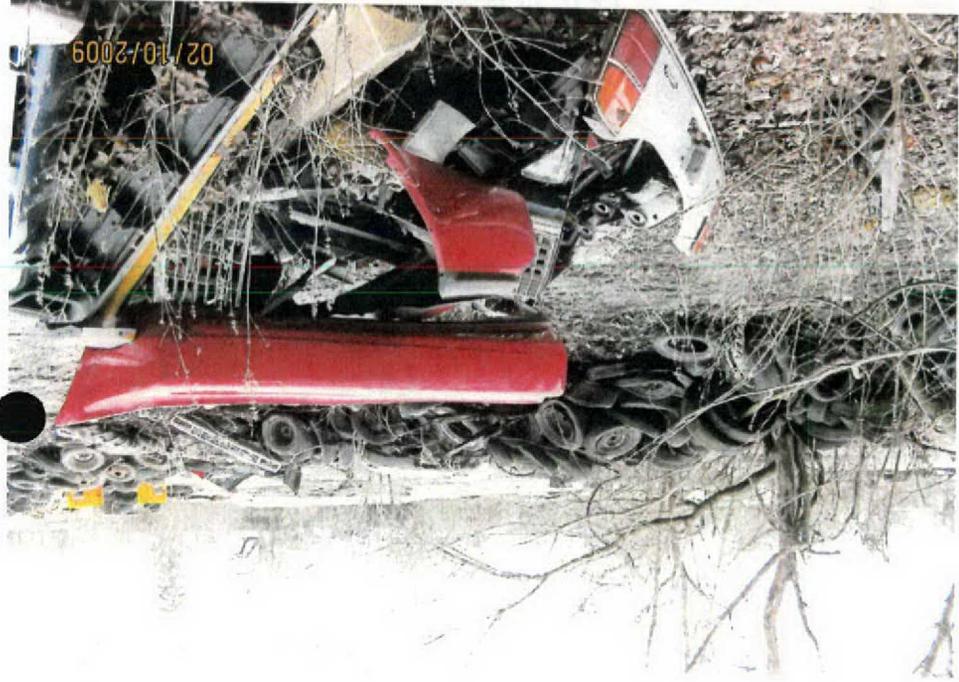
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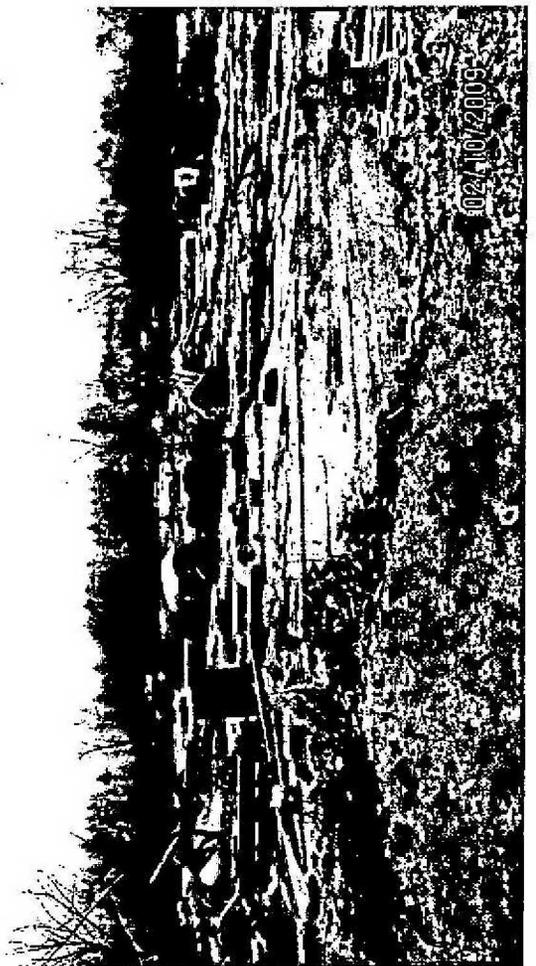
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This letter was mailed on Friday, February 27, 2009.

This letter was mailed to:

Mr. Shane A. Sprinkle and Ms. Michelle Halbirt
in a large envelope.

Another copy was mailed to:

Ms. Michelle Halbirt and Mr. Shane A. Sprinkle
in a normal letter size envelope.



47