

*Clark Co.
Sue Taylor
Scrap tire
New Carlisle*



State of Ohio Environmental Protection Agency

Southwest District

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Dayton, Ohio 45402-2911

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Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

April 9, 2007

Ms. Sue Taylor
8907 W. National Road
New Carlisle, Ohio 45344

**RE: 8907 W. National Road, Clark County
Notice of Violation**

Dear Ms. Taylor:

On March 15, 2007, I conducted a comprehensive inspection of the property located at 8907 W. National Road, Clark County, Ohio, owned by Sue Taylor .

On July 20, 2006, Ohio Environmental Protection Agency ("Ohio EPA") issued Director's Final Findings and Orders ("DFFO's") to Sue Taylor and the Sue Uhrig Taylor Revocable Trust (collectively the "Respondents") regarding the illegal disposal of scrap tires and open dumping of solid wastes on the property.

This inspection was conducted to determine compliance with ORC 3734 and OAC Rule 3745 and the July 20, 2006 DFFO's.

During this inspection I observed the following:

1. There was evidence of open burning of municipal solid wastes including but not to (mattresses, bottles, metal, batteries, and other miscellaneous solid waste materials) in several burn sites located behind the house.

The property owner's open burning of solid waste is a violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

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

2. Approximately 5000 scrap tires exist at this site dumped on the ground around the pond and throughout the wooded area of the property. Piles of miscellaneous solid wastes were also observed along the property including but not limited to fuel containers, 50-gal drums, ammunition shells, beer bottles, plastic plant hangers,

rolled outdoor carpet, sheet metal, approximately 50-100 commercial sized rubber floor mats, concrete culvert pipes, drainage pipes, abandoned vehicle and the hard top of a jeep. There was also an abandoned school bus body 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 of 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.

This is a violation of Ohio Revised Code (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:

“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.”

3. Two drums, one near the bus frame and the other near the pile of tarps, appear to contain solid material. The one drum near the pile of tarps is partially crushed and appears to have leaked oil sludge.

As a reminder if the waste was generated by a business, you must comply with Ohio Administrative Code (OAC) Rule 3745-52-11. OAC Rule 3745-52-11 states, “Any person who generates a waste, as defined in 3745-51-02 of the Administrative Code, must determine if that waste is a hazardous waste”. Should the waste be determined to be hazardous, it must be managed and disposed in accordance with applicable hazardous waste generator requirements found in OAC Chapter 3745-52.

4. Scrap tires along the west property boundary were observed partially buried in the soil and brush was growing between the tires. The partial burial of tires with soil and leaves on the property adjacent to the creek is a violation of OAC Rule 3745-27-60(B)(5) which states in part:

"Scrap tires shall not be covered with soil."

5. Large piles of scrap tires located to the west of the pond have over 1500 tires each and currently do not have fire lanes between them. There are small piles of five to twenty scrap tires scattered piles throughout the property 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."

6. During the inspection I observed scattered scrap tire piles consisting of piles ranging from twenty-five to fifty scrap tires located adjacent to the two large scrap tire storage piles on the west property boundary. Small piles consisting of approximately ten to twenty scrap tires are located throughout the property in the underbrush along side of the access road. 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)(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."

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."

7. The Respondents have failed to incorporate and maintain fire lanes around the scrap tire piles at the property to allow access of emergency vehicles to and around the scrap tire storage piles and areas. This 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."

This is also a violation of the July 20, 2006 DFFO's, Order Number 2, which states:

"Not later than thirty (30) days after the effective date of these Orders, Respondents shall establish storage piles and fire lanes at the Property in accordance with OAC Rule 3745-27-60(B)(1) through (6)."

8. Scrap tires must be properly stored and managed in accordance with the Ohio Administrative Code (OAC) Rule 3745-27-60. The scrap tires on the property have water collecting in them and the large piles are located adjacent to a fire ring next to the pond.

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."

This is also a violation of OAC Rule 3745-27-60(B)(2), which states in part:

"Scrap tires storage piles shall be separated from possible ignition sources (eg., open flame, welding equipment) by at least fifty feet."

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 mosquitos. Mosquitos identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow fever, Dengue Fever and West Nile Virus.

9. The Respondents were sent written notification from Ohio EPA, dated October 30, 2006, of the existence of mosquito larvae and adults at the premises. As of the November 20, 2006, inspection, the Respondents failed to provide copies of mosquito control records to Ohio EPA .

This is a violation of the July 20, 2006 DFFO's, Order Number 1 which states in part:

"...Respondents shall provide copies of the mosquito control records required by OAC Rule 3745-27-60(B)(10) to Ohio EPA within ten (10) days after each application of the registered pesticide, larvicide, or adulticide."

10. The Respondents have failed to remove all of the scrap tires from the property including, but not limited to, scrap tires dumped onto the ground and/or buried scrap tires not later than one hundred twenty days after the effective date of the of the July 20, 2006 DFFO's.

This is a violation of the July 20, 2006 DFFO's, Order Number 3, which states:

"Not later than one hundred twenty (120) days after the effective date of these Orders, Respondents shall remove or cause the removal of all scrap tires from the Property including, but not limited to, scrap tires dumped onto the ground and/or buried scrap tires, and shall arrange for their transportation, by a registered scrap tire transporter:

- a. to a scrap tire storage, monofill, monocell, or recovery facility licensed under ORC Section 3734.81; or
 - b. to such a facility in another state operating in compliance with the laws of that state in which it is located; or
 - c. to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state."
11. The above violations of the ORC, OAC, and the June 20, 2006 Director's Final Findings and Orders, 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."

Ms. Sue Taylor
Notice of Violation, Clark County
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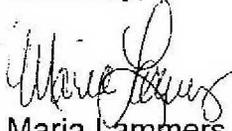
The Ohio Administrative Code (OAC) and Ohio Revised Code (ORC) specifically prohibit open dumping of solid waste. This letter serves to inform you that the solid wastes on your property must be removed for proper disposal. Scrap tires may be disposed of at a licensed scrap tire disposal facility and the solid waste in a licensed sanitary landfill. **Receipts documenting proper disposal must be submitted to Ohio EPA, Southwest District Office, attention Maria Lammers and a reinspection scheduled to verify that the cleanup is complete to document your return to compliance with Ohio Law. Please be advised that the Respondents continued failure to comply with the July 20, 2006, Orders 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 days of receipt of this correspondence regarding your remedy and implementation schedule in regards to the aforementioned violations.

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

Sincerely,



Maria Lammers
Environmental Specialist
Division of Solid and Infectious Waste Management

cc: Anne Kaup-Fett, Clark County Combined Health District
Matt Boyer, DSIWM-CO
Nicholas Bryan, AGO

ML/plh