



**Environmental  
Protection Agency**

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

Re: Notice of Violation  
Martin Motors  
Martin Auto Parts Co.  
Erie County

December 30, 2010

**CERTIFIED MAIL**

Martin Motors  
Martin Auto Parts Company  
2600 Venice Road  
Sandusky, Ohio 44870

Mrs. Elaine Martin  
1002 Wayne Street  
Apartment A  
Sandusky, Ohio 44870

Mr. Donald Martin  
2808 Venice Road  
Sandusky, Ohio 44870

Dear Mr. Martin and Mrs. Martin:

On December 14, 2010, the Ohio Environmental Protection Agency (Ohio EPA) conducted a partial inspection of your five parcels of property located adjacent to and at 2600 Venice Road, Sandusky which includes your auto salvage dealer business, ID # SD000522 (facility). Ohio EPA conducted an inspection to determine your compliance with Ohio Revised Code (ORC) 3734 and Ohio Administrative Code (OAC) Chapter 3745-27 governing the storage and management of scrap tires. I represented Ohio EPA during the inspection; the facility was not represented because you have not responded to Ohio EPA communications.

I observed several piles of scrap tires to the south and west of the office on your properties. I made these observations from Harbor Boulevard. One pile is located to the back and west side of the property parcels. This pile is approximately 45 feet by 35 feet with the peak being approximately 8 feet high. Approximately 200 tires are located along the southeast fence line. There also is a small (20) bias tire pile.

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Scrap tires are defined in Ohio Administrative Code (OAC) Rule 3745-27-01(S)(6) as:

*"Scrap tire" is a type of waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as parts of scrap tires by visual inspection...*

Open dumping is defined in OAC Rule 3745-27-01(O)(4)(b) as:

*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 . . . .*

**As the owners/operators of the properties, Martin Motors and Martin Auto Parts Co., you are in violation of the following rules and laws:**

1. OAC Rule 3745-27-61(A)(2)(c) states ;  
*The premises of a business that removes tires from motor vehicles in the ordinary course of business on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet is exempt from registration requirements. In violation of OAC Rule 3745-27-61(A)(2)(c), currently your business has more than one scrap tire storage area. You are no longer exempt from registration requirements.*
2. 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. In violation of OAC Rule 3745-27-05(C), you are conducting, permitting or allowing open dumping of scrap tires on your properties.*
3. Ohio Revised Code (ORC) § 3734.81(A) which states in pertinent part:  
*. . . no person shall operate a scrap tire collection, storage, monocell, monofill, or recovery facility without a license . . .* In violation of ORC § 3734.81(A), you are operating a scrap tire facility without a license.

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4. ORC § 3734.76(C) which states in pertinent part:  
*. . . no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate . . .* In violation of ORC § 3734.76(C), you have established a scrap tire storage facility without first submitting an application for a scrap tire storage facility registration certificate or permit.
  
5. OAC Rule 3745-27-60(B)(7)(d) which requires:  
*Scrap tire storage piles of more than five hundred scrap tires including single or multiple racks containing a total of more than five hundred scrap tires shall be separated from other scrap tire storage piles and from buildings and structures by a fire break with a width equal to or greater than fifty-six feet in accordance with the fire break chart in appendix I to rule 3745-27-65 of the Administrative Code.* In violation of OAC Rule 3745-27-60(B)(7), fire breaks are not maintained and scrap tires are stored against the main building.

Scrap tires, if not properly managed, may become a breeding ground for mosquitoes. Mosquitoes are common disease vectors for St. Louis encephalitis, La Crosse encephalitis, Yellow Fever, West Nile Virus, and Dengue Fever.

OAC Rule 3745-27-60(C) requires:

*Anyone storing scrap tires shall maintain mosquito control as follows:*

- (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.*

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- (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.*

In violation of OAC Rule 3745-27-60(C), you have failed to implement mosquito control.

**Please respond in writing within 10 days of receipt of this letter with a schedule detailing your plan for removal, disposal of the scrap tires at these properties. Your schedule shall include, at minimum, an estimated completion date. Please provide documentation of transportation and disposal from the registered scrap tire transporter and the licensed scrap tire disposal facility to be utilized.**

Ohio EPA - NWDO  
Attn: Susan Hardy  
347 N. Dunbridge Road  
Bowling Green, Ohio 43402

**Failure to comply may result in escalated enforcement.**

Please be advised that only a registered scrap tire transporter may transport ten (10) or more scrap tires in a load.

This correspondence addresses specific observations only for the areas of the site that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the site at the time of inspection.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the owner or operator of the facility or others from responsibility under ORC Chapters 3704., 3714., 3734. or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

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If you have any questions, please contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R.S.  
Environmental Specialist  
Division of Solid and Infectious Waste Management

/llr

pc: Kelley Kresser, City of Sandusky  
Robert England, Erie County Health Department  
Craig Ward, Erie County Health Department  
DSIWM-NWDO\*File: Erie County, Tires  
Certified Receipt Numbers: 7009 1410 0001 1840 1362,  
7009 1410 0001 1840 1355, 7009 1410 0001 1840 1348

ec: Mike Reiser  
Melinda Berry, DSIWM, CO  
Marty Cooper, Legal Office

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Donald G Martin</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)            DONALD G MARTIN</p> <p>C. Date of Delivery            1/7</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>
<p>1. Article Addressed to:            MARTIN MOTORS            MARTIN AUTO PARTS COMPANY            2600 VENICE ROAD            SANDUSKY, OHIO 44870</p>	<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7009 1410 0001 1840 1348</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com®	
<b>OFFICIAL USE</b>	
Postage	\$ 61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$5.71
<p>Sent To            MR DONALD MARTIN            Street, Apt. No., or PO Box No. 2808 VENICE ROAD            City, State, ZIP+4 SANDUSKY, OHIO 44870</p>	
PS Form 3800, August 2006 See Reverse for Instructions	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
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Total Postage & Fees	\$
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<p>2 7009 1410 0001 1840 1362</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

