



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

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

August 26, 2008

Mr. Donald Martin  
2808 Venice Road  
Sandusky, Ohio 44870

Dear Mr. Martin:

On August 15, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of your auto salvage dealer business, ID # SD000522, located at 2600 Venice Road, Sandusky (facility). The inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-60 and OAC Rule 3745-27-61. I represented Ohio EPA and your son represented the facility during the inspection.

Several piles of scrap tires to the south and west of the office were observed on your properties. One pile was located to the back and west side of the property. This pile was approximately 45 feet by 35 feet with the peak being approximately 8 feet high. The southeast fence line had approximately 200 tires lined up. There also was a small (20) bias tire pile.

**The tires for resale should not be included in a scrap tire pile. If they are stored with the scrap tires, they are to be included in the scrap tire pile and scrap tire regulations will apply.**

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 . . . .*

**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. Currently your business has more than one scrap tire storage area.**

The owner/operator of this site is in violation of the following rules and laws:

1. 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.*
2. 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 . . .*
3. 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 addition, in accordance with OAC Rule 3745-27-60(B), the storage of scrap tires in any amount is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the specific standards set forth in OAC Rule 3745-27-60(B)(1) - (11).

4. OAC Rule 3745-27-60(B) states:
  - (1) *Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored.*
  - (2) *Scrap tire storage piles shall be separated from possible ignition sources including but not limited to open flame, welding equipment, cutting equipment, and heating devices by at least fifty feet.*
  - (3) *Where a single portable container, truck, or semi-trailer is used to store scrap tires, the portable scrap tire container, truck, or semi-trailer shall be located as determined by the business owner and the local fire official.*
  - (4) *Where multiple portable containers, trucks, or semi-trailers are used to store scrap tires, the portable scrap tire containers, trucks, or semi-trailers shall be separated from the following:*
    - (a) *Buildings and structures that are owned or leased by the person storing the scrap tires by at least fifteen feet...*
5. OAC Rule 3745-27-60(B)(7) applies to storage of scrap tires outside portable containers, semi-trailers, building or covered structure:
  - (a) *Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code. Scrap tire storage piles shall include any area where scrap tires are stored in racks. The two thousand five hundred square feet basal area shall apply to multiple racks and small scrap tire piles not separated from other racks, piles, or structures by a fire break at least fifty-six feet wide. The basal area of the scrap tire storage pile shall include the area of the tire piles, racks, and the area of any walkway or other open areas that do not meet the definition of a fire break as defined in rule 3745-27- 01 of the Administrative Code.*
  - (b) *Scrap tire storage piles shall not exceed eight feet in height.*

The storage of scrap tires on your property must meet the following rules:

6. 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.*
7. OAC Rule 3745-27-60(B)(7)(e) which requires:  
*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.*

**Please respond in writing within 30 days of receipt of this letter with a schedule detailing your plan for removal, disposal and storage of the scrap tires at the property. Your schedule shall include, at minimum, an estimated completion date and the identities of the registered scrap tire transporters to be utilized.**

**Please forward copies of receipts documenting disposal of scrap tires to Craig Ward, Erie County Health Department and to my attention at:**

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

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

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.

Please be advised that OAC Rule 3745-27-60(C) requires the owner/operator to control mosquitoes:

*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.*

- (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.*

Implement mosquito control measures as described above, if you have not already done so. Maintain documentation of your mosquito control measures for a minimum of three years and have this documentation available for review by Ohio EPA in accordance with OAC Rule 3745-27-60(C)(3). Failure to implement mosquito control measures will result in a violation OAC Rule 3745-27-60(C).

Should mosquitoes or mosquito larvae be discovered at the site, additional mosquito control measures will be required pursuant to OAC Rule 3745-27-60(D).

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 violations existed at the site at the time of inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator from their obligations to comply with other applicable state and federal laws and regulations.

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

Sincerely,



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

/llr

pc: Robert England, Erie County Health Department  
Craig Ward, Erie County Health Department  
(DSIWM-NWDO File: Erie County, Tires )  
ec: Mike Reiser, DSIWM-NWDO