



State of Ohio Environmental Protection Agency

Northwest District Office

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

Re: Erie County
R&R Used Cars
Notice of Violation

August 2, 2007

Don Siles
R&R Used Cars
3704 Venice Rd.
Sandusky, Ohio 44870

Dear Mr. Siles:

On July 13, 2007, the Ohio Environmental Protection Agency (Ohio EPA) inspected your place of business, R&R Used Cars (Facility), to document your compliance status with Ohio's scrap tire storage requirements. I represented Ohio EPA. You represented the Facility at the time of the inspection. Scrap tires were observed being stored outside on the west side of the property as well as on the south side of the property in a small trailer. Approximately 200-250 scrap tires were on-site.

Ohio Revised Code (ORC) § 3734.03 states in pertinent part:

No person shall dispose of solid waste by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code...

Ohio Administrative Code (OAC) Rule 3745-27-05(C) 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.

Open dumping is defined in ORC § 3734.01(I) as (in pertinent part):

... 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 consists 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 consists 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 defined in OAC Rule 3745-27-01(O)(4) as (in pertinent part):

... the following: (a) The deposition of solid wastes, other than scrap tires, into waters of the state, and also means the final deposition of solid wastes on or into the ground at any place other than a solid waste facility operated in accordance with Chapter 3734. of the Revised Code, and Chapters 3745-27, 3745-29, 3745-30, and 3745-37 of the Administrative Code.

The owner/operator of R&R Used Cars is in violation of ORC § 3734.03 and OAC Rule 3745-27-05(C) for open dumping of scrap tires onto the surface of the ground.

Scrap tires stored outside need to be kept dry or have a pesticide or larvicide applied to not cause a mosquito breeding area. OAC Rule 3745-27-60(B)(6) regulates the storage of scrap tires outside of a building or covered structure.

OAC Rule 3745-27-60(B)(6)(c) states:

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.

OAC Rule 3745-27-60(B)(6)(e) states:

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

OAC Rule 3745-27-60(B)(6)(f) states:

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.

Due to the size of your lot and the close proximity of other structures, no outside storage can be maintained at the Facility that would be in compliance with this Rule. **The owner/operator of R&R Used Cars is in violation of OAC Rule 3745-27-60(B)(6) for storage of scrap tires outside of a building.** Please remove and properly dispose of the scrap tires being stored outside on the property.

OAC Rule 3745-27-60(B)(8) states:

One or more of the following shall be done to control mosquitoes at the premises: (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times. (b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio department of agriculture, at no greater than thirty-day intervals or as recommended by the manufacturer or formulator. If applying any pesticide or larvicide as a mosquito control, then mosquito control records shall be maintained 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. (c) Use another method of mosquito control which is approved by Ohio EPA.

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It was observed that the tires stored outside were holding water. No documentation was available showing that a pesticide or larvicide has been applied at the Facility.

The owner/operator of R&R Used Cars is in violation of OAC Rule 3745-27-60(B)(8) for failure to control mosquitoes at the premises.

Shipping papers from Enviro Tire Recycling were inspected. This scrap tire transporter is registered to transport scrap tires in the State of Ohio. Receipts observed at the time of the inspection documented that Enviro Tire Recycling had last removed scrap tires from the Facility in March 2004. Ensure that any scrap tires removed from the Facility are removed by a registered scrap tire transporter and the paperwork from the removal is kept on file to document that the scrap tires are managed appropriately.

This correspondence addressed specific observations only for the areas of R&R Used Tires that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the facility 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 of R&R Used Cars from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions feel free to contact me at (419) 373-3079.

Sincerely,



Jeremy Scoles, S.I.T., CHMM
Environmental Specialist
Division of Solid and Infectious Waste Management

/csl

pc: Mary Ann Leone, City of Sandusky Code Enforcement
File: Erie County, Tires