Environmental
Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 5, 2011

RE: BELMONT COUNTY
GENERAL FILE
(GABBY'S AUTO SALVAGE, LLC)
RCRA/UOG
NON-NOTIFIER

Mr. George Trouten
Gabby's Auto Salvage, LLC
41540 National Road
Belmont, Ohio 43718

Dear Mr. Trouten:

On November 23, 2011, I conducted a follow-up compliance evaluation inspection of Gabby's Auto Salvage, LLC's facility in Belmont, Ohio to determine compliance with Ohio's solid waste and hazardous waste laws and regulations as found under the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC). This was a follow-up inspection to the August 23, 2011 complaint investigation.

Based on the November 23, 2011 follow-up inspection and information received during the inspection Gabby's Auto Salvage has abated the following violation:

Used oil storage requirements for generators, OAC rule 375-279-22(C):

August 23, 2011 complaint investigation, we sent you a Notice of Violation (NOV) letter on August 31, 2011 specifying the violations observed during the complaint investigation. The following violations remain until no more than 100 tires remain on site. The remaining tires must be covered to prevent the collection of water.

1. **ORC rule 3734.03 states in part:**
   ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

2. **OAC rule 3745-27-05(C)** - No person shall conduct, permit, or allow open dumping.

Improper storage of scrap tires poses several potential problems for the local residents, environment and 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.

Scrap tire fires are a source of air pollution and can cause respiratory problems for those that breathe the smoke. Tire fires are also difficult for emergency crews to extinguish.

Ohio law requires that anyone removing scrap tires for disposal must take the tires to either a licensed or registered scrap tire collection, recovery or disposal facility. Anyone transporting more than ten (10) scrap tires must be registered with Ohio EPA as a Scrap Tire Transporter. All other solid waste must be removed from the property and

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disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office as proof of disposal.

As of November 15, 2011, Gabby's has provided receipts for over 1900 tires removed from the site. Gabby's **is still required to submit timeline indicating when these violations will be abated.** On November 15, 2011, Ohio EPA received a return to compliance plan from Gabby's. **The plan did NOT include a timeline indicating when the facility will complete the tire removal.**

Within fourteen (14) days of receipt of this letter, Gabby's Auto Salvage is requested to provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Gabby's Auto Salvage for violation of Chapter 3734. (or 3714.) of the Ohio Revised Code, which carries a civil penalty of up to $10,000 per day for each violation. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted electronically to erika.jackson@epa.ohio.gov or melody.stewart@epa.ohio.gov. If Gabby's Auto Salvage is unable to return to compliance within the fourteen (14) day timeframe, please contact Erika Jackson at (740) 380-5228 or Melody Stewart at (740) 380-5256.

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

During the complaint investigation, areas of open burning and discolored soils from run-off were also observed. These issues have been referred to the Division of Air Pollution control and the Division of Surface Water. Representatives from these divisions may also inspect your facility for compliance. If you have any questions regarding this letter, please call.

Sincerely,

Melody Stewart
District Representative
DMWM – Hazardous Waste
(740) 380-5256

Erika Jackson
District Representative
DMWM – Solid Waste
(740) 380-5228

MS/EJ/cb

Enclosures

cc: Erika Jackson, DMWM/SEDO
Aaron Wolfe, DSW/SEDO
Lisa Duvall, DAPC/SEDO