



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
Clay Township, Ottawa County**

July 6, 2007

CERTIFIED MAIL

7006 0100 0003 7708 5367

Mr. Robert Hanus
3316 Blairmont Avenue
Toledo, Ohio 43614

Dear Mr. Hanus:

On May 22, 2007, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection at 23046 West State Route 51, Genoa, Clay Township, Ottawa County, Ohio (Property). The inspection was conducted in response to a complaint alleging an illegal accumulation of scrap tires at the Property.

On the Property, I observed the accumulation of several hundred semi truck and passenger car tires, some stacked on the ground and some placed in a semi trailer on the east side of the property. The semi trailer was labeled "Dillon Registered Tire Transporter" on the side. I provided my business card to and spoke with an unidentified truck driver on the site and explained the purpose of my visit.

The owner of the property, Mr. Bob Dipman, contacted me via telephone on May 23, 2007 to discuss the scrap tires. Mr. Dipman stated that he allows you to stage scrap tires on the Property, but that he has nothing to do with operation of the scrap tire business. You and I also spoke by telephone on May 23, 2007. You told me that you operate a scrap tire re-grooving business in which you obtain scrap tires from tire retail stores, transport the scrap tires to your re-grooving operation, process those that can be re-grooved, and store those that cannot be re-grooved at the Property. You stated that you have contracted with Dillon Scrap Tire Transporter/Liberty Tire Services (Liberty) for disposal of these tires. Liberty is a registered scrap tire transporter.

TRANSPORT OF TIRES:

Ohio's laws and rules require scrap tire transporters that do not meet the exemptions listed in Ohio Administrative Code (OAC) Rule 3745-27-54(A)(2) [copy enclosed] to be registered with Ohio EPA as a scrap tire transporter before transporting tires. The business you operate does not meet any of these exemptions. You are not registered with Ohio EPA as a scrap tire transporter.

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The owner/operator of this unregistered scrap tire transporting business is in violation of the following rules and laws:

1. OAC Rule 3745-27-54(A), which states in pertinent part:

Except as specified in paragraph (A)(2) of this rule, no person shall transport scrap tires in the state of Ohio, without first obtaining an annual registration certificate.

2. OAC Rule 3745-27-54(B):

An application for an annual registration certificate as required by section 3734.83 of the Revised Code, shall be submitted to and approved by the director, before the transportation of scrap tires is begun.

3. Ohio Revised Code (ORC) § 3734.83(A):

Except as provided in division (D) of this section, no person shall transport scrap tires anywhere in this state unless the business or governmental entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection.

As we discussed on May 23, 2007, you must immediately cease transporting scrap tires in the state of Ohio. Should you desire to continue to transport scrap tires in Ohio, you must first register with Ohio EPA as a scrap tire transporter.

I mailed you a packet of information on May 23, 2007, that included a scrap tire transporter application.

STORAGE OF TIRES:

In addition, your accumulation of scrap tires on the Property has resulted in the establishment of a scrap tire storage facility, as defined in OAC Rule 3745-27-01(S)(17), which states in pertinent part:

"Scrap tire storage facility" means any facility where whole scrap tires are stored prior to the scrap tires being transported to one of the destinations listed in paragraph (D)(8) of rule 3745-27-65 of the Administrative Code. . . .

A registered scrap tire transporter, such as Liberty, is one of the destinations listed in OAC Rule 3745-27-65(D)(8).

The owner/operator of this unregistered and unlicensed scrap tire storage facility is in violation of the following rules and laws:

4. 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 . . .

5. 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 with accompanying information regarding the facility and its method of operation or submitting to the director an application for a scrap tire storage facility permit with accompanying engineering detail plans, specifications, and information . . .

6. OAC Rule 3745-27-61(B) which states in pertinent part:

An application for a registration certificate as required by section 3734.75, 3734.76, or 3734.78 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the scrap tire collection, class II storage, or class II scrap tire recovery facility is begun. . .

These violations will continue until all scrap tires are removed from the property by a registered scrap tires transporter and properly disposed. Please forward receipts documenting removal of the scrap tires to my attention at:

Ohio EPA - NWDO
Attn: Kimberly Burnham
347 N. Dunbridge Road
Bowling Green, Ohio 43402

In addition, in accordance with OAC Rule 3745-27-60(B), the storage of scrap tires in any amount shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the specific standards set forth in OAC Rule 3745-27-60(B)(1) - (10).

The scrap tires on the Property are a nuisance, a hazard to public health or safety, and a fire hazard and the owner/operator is in violation of:

7. OAC Rule 3745-27-60(B)(6)(e) which requires:
Fire lanes shall be maintained to be free of combustible material including but not limited to weeds and leaves.
8. OAC Rule 3745-27-60(B)(6)(f) which requires:
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.

These violations will continue until fire lanes at least fifty-six feet wide that allow the passage of emergency vehicles are cleared around the scrap tires.

Scrap tires, if not properly managed, may become a breeding ground for mosquitos. Mosquitos are 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(B)(8) requires the owner/operator to control mosquitos:

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.*

You must implement mosquito control measures as described above. 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(B)(10). Failure to implement mosquito control measures will result in a violation of OAC Rule 3745-27-60(B)(8).

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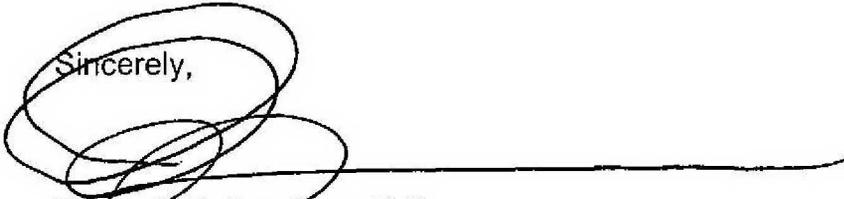
Should mosquitoes or mosquito larvae be discovered at the site, additional mosquito control measures will be required pursuant to OAC Rule 3745-27-60(B)(9).

This correspondence addresses specific observations only of the areas of the Property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the Property 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) 373-3049.

Sincerely,



Kimberly K. Burnham, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/csl

Enclosure

pc: Bob Large, DSIWM, CO
Jodi Vaughan, Toledo-Lucas County Health Department
Bob Dipman
{File: Ottawa County, Tires}

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name)	C. Date of Delivery
MR ROBERT HANUS 3316 BLAIRMONT AVE TOLEDO OH 43614 DSIWM/Kim.B./csl		If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number (Transfer from service label)		7006 0100 0003 7708 5367	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

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Certified Fee	2.65
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Total Postage & Fees	\$ 5.38
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Sent To	
MR ROBERT HANUS	
Street, Apt. No.; or PO Box No. 3316 BLAIRMONT AVE	
City, State, ZIP+4 TOLEDO OH 43614	
PS Form 3800, June 2002	
See Reverse for Instructions	

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