



State of Ohio Environmental Protection Agency

Northwest District Office

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Bowling Green, OH 43402-9398

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

Re: Notice of Violation
Whitaker Enterprises
Hardin County

April 13, 2007

Mr. John Whitaker
Whitaker Enterprises
954 Robinson Avenue
Kenton, Ohio 43326

Dear Mr. Whitaker:

On March 28, 2007, Jeremy Scoles and I represented the Ohio Environmental Protection Agency (Ohio EPA) and performed an inspection of the property known as Whitaker Enterprises (Facility) located at 954 Robinson Avenue, Kenton, Ohio, for compliance with Ohio's scrap tire and open dumping regulations. You represented the Facility during the inspection.

Scrap Tire Issues

Whitaker Enterprises is registered as a motor vehicle salvage dealer. Approximately 3000 scrap tires remain on the motor vehicle salvage dealer property. An accurate estimate of the number of tires could not be determined because a majority of the tires were in several large piles mixed with other debris and scrap metal. You were instructed to separate the scrap tires from the other debris and continue the process of removing the scrap tires. You must use a registered scrap tire transporter and save the scrap tire shipping papers to verify proper, legal disposal.

It was noted on this day that a majority of the scrap steel had been processed from the site. You stated that the scrap tires are recovered from the steel and will be stored until a trailer load of scrap tires is accumulated. You anticipated that a trailer load of scrap tires would be removed by the end of Summer 2007.

Ohio Administrative Code (OAC) Rule 3745-27-61 regulates the registration of scrap tire facilities. Operations at 954 Robinson Avenue, Kenton, Ohio meet the definition of a scrap tire storage facility. However, the property located at 954 Robinson Avenue, Kenton, Ohio does not meet the exemptions from registration as a scrap tire storage facility. Therefore, you remain in violation of OAC Rule 3745-27-61(A)(1) and Ohio Revised Code (ORC) Chapter 3734.76(C) for establishing a scrap tire facility without obtaining a registration and ORC Chapter 3734.81 for operating without a license.

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Scrap tires placed on the property (which is not an approved location for disposal of scrap tires) constitutes open dumping. The open dumping prohibition within OAC Rule 3745-27-05(C) states, "No person shall conduct, permit, or allow open dumping." ORC Chapter 3734.03 states in part, "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..." Therefore, you remain in violation of OAC Rule 3745-27-05(C) and ORC Chapter 3734.03.

The accumulation of scrap tires on the property also poses a threat to the community by providing a mosquito breeding environment. Mosquitoes carry a variety of diseases and the owner/operators of the property at 954 Robinson Avenue, Kenton, Ohio must take necessary provisions to control mosquitoes. Your failure to maintain the required mosquito control records is a violation of OAC Rule 3745-27-60(B)(8)(b). In the event that your mosquito control records exist and/or are maintained at another location, Ohio EPA may request that you provide a copy of such records.

Open Dumping Issues

Whitaker Enterprises is also the site of a recycling center. Miscellaneous solid waste is noted on the site of the recycling center. Several piles of solid waste (plastics, co-mingled recyclables) have been on this site for several years. These materials must be recycled or disposed of as solid waste. This determination must be made soon and the disposal must take place by October 2007.

OAC Rule 3745-27-05(C) states in part, No person shall conduct, permit, or allow open dumping. Several piles of miscellaneous solid waste remain on the recycling and motor vehicle salvage property. Please be advised that you will remain in violation of OAC Rule 3745-27-05(C) until all the solid waste is properly disposed.

Failure to continue to show progress toward the scrap tire removal may subject you to escalated enforcement. Ohio EPA will be conducting periodic inspections to verify the clean-up is progressing.

This correspondence addresses specific observations noted only for the areas of 954 Robinson Avenue, Kenton, Ohio, that were inspected. Nothing present in, or absent from this correspondence is intended to imply that no other violations existed at the property during the inspection.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions contained in Ohio Revised Code Chapter 3734 and the rules

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promulgated thereunder, does not relieve you from your obligations to comply with other applicable state and federal laws and regulations.

If you have any questions concerning this correspondence, you may contact me at (419) 373-3126.

Sincerely,

Michael A. Reiser

Michael A. Reiser, R.S.
Environmental Specialist
Division of Solid and Infectious Waste Management

/lb

pc: David Zeller, Hardin County Health Department
~~File Copy - Hardin County Open Dumps~~