



**Environmental
Protection Agency**

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

January 12, 2012

**RE: MUSKINGUM COUNTY
TIRE - GENERAL
NOV1**

Mr. Gary Hayes
Gary's Affordable Auto Repair
8935 Raiders Road
Fazeysburg, Ohio 43822

Dear Mr. Hayes:

On January 3, 2012, the Ohio Environmental Protection Agency, Southeast District Office, received a complaint concerning your business, Gary's Affordable Auto Repair, located at 8935 Raiders Road in Muskingum County. On January 5, 2012, representatives of Ohio EPA inspected this complaint and found that scrap tires were not being handled in accordance with Ohio regulations. Specifically, approximately 200 tires were noted behind the main building and along the western edge of the site. None of the tires were covered.

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

Please note that the above noted storage is in violation of Ohio Administrative Code (OAC) 3745-27-60(C).

OAC 3745-27-60(C) states:

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.*

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- (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.*

I would recommend that you properly dispose of all scrap tires on the property that cannot be re-used. Be advised that a registered scrap tire transporter is required when hauling more than 10 tires. All scrap tires remaining on site must be stored in accordance with the above noted regulations regarding mosquito control.

Please be advised that you need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Gary's Affordable Auto Repair is requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to mark.mansfield@epa.ohio.gov.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714 for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (740) 380-5428 or by e-mail at mark.mansfield@epa.ohio.gov.

Sincerely,



Mark Mansfield
Environmental Specialist II
Division of Materials and Waste Management

MM/cb