



**Environmental
Protection Agency**

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

March 29, 2012

**MUSKINGUM COUNTY
SITE - GENERAL
NOV**

Mr. Michael Wolfe
5375 Sherman Drive
Roseville, Ohio 43777

Dear Mr. Wolfe:

On March 27, 2012, the Ohio Environmental Protection Agency received a complaint concerning property owned by you at 67 S. Main Street, Roseville, in Muskingum County. This complaint alleged the improper storage of scrap tires on this property. On March 28, 2012, I investigated this complaint and found it to be valid. I observed the accumulation of approximately 15 tires near the back corner of the property. The tires were not covered.

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. In addition, 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.

Please note that the above noted storage of scrap tires 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.*
- (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, 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.*

As such, Ohio EPA regulations require that any scrap tires stored on your property must be kept dry or treated with mosquito larvicide every 30 days (or as directed by the manufacturer). Alternatively, you could have the tires removed from the property. 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. Copies of receipts for disposal or recycling should be submitted to this office for proof of disposal.

Please respond to this correspondence within 14 days of receipt. Your response should include details of your actions taken to properly dispose or recycle the current solid waste on your property. Failure to address listed violations and respond within this timeframe may result in escalated enforcement against you for violation of Chapter 3734. 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 mark.mansfield@epa.ohio.gov. If you are unable to return to compliance within the fourteen (14) day timeframe, please contact me at (740) 380-5428.

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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, Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please feel free to contact me at (740) 380-5428.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mansfield', written in a cursive style.

Mark Mansfield
Environmental Specialist II
Division of Materials and Waste Management

MM/sb