



State of Ohio Environmental Protection Agency

Southeast District Office

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

November 18, 2010

**MORGAN COUNTY
GENERAL FILE
(DAVID LIVELY COMPLAINT)
DHWM/SEDO
NON-NOTIFIER**

Mr. David Lively
9040 Stoneburner Road NW
Deavertown, OH 43731

Dear Mr. Lively:

On November 2, 2010, Scott Bergreen and I investigated a complaint at your residence on Stoneburner Road near Deavertown, Ohio. According to the complaint received by Ohio EPA, the complainant alleged that you were junking old cars and in the process releasing used oil, antifreeze, gasoline, and Freon. The complaint also stated that you were open burning at your property.

During our visit to your property, we spoke with you and you showed us the area where you work on cars and areas where you had burned some pine trees. I have relayed the information about the burning at your property to Lisa Duvall, Ohio EPA, Division of Air Pollution Control and she will be sending you separate correspondence about burning practices that are allowed and those that are prohibited.

Regarding the work you do on cars, you told us that you purchase cars and repair them at your home and then resell them, or scrap cars that cannot be resold. From your description of these activities, I believe that your practices would be regulated as those of a homeowner and not of a business. We observed a small amount of oil on the concrete in front of your garage. You showed us a container of oil dry that you use to clean up oil spills. You stated that the oil on the concrete was from a car you had received the day before and that you would be cleaning up the spilled oil with oil dry. You also showed us gas cans for storing gasoline you remove from gas tanks. You stated that the gasoline is then reused. During our investigation, we did not find any violations of Ohio's hazardous waste regulations. Enclosed with this letter is the fact sheet *Handling Used Oil From Your Home*.

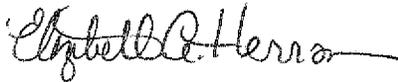
In your activities with cars, you do generate some scrap tires which you said you take to Campbell's Tires for recycling. Ohio EPA does have regulations that apply to storing and transporting tires. These regulations are enforced by Ohio EPA's Division of Solid and Infectious Waste. I have enclosed the fact sheets *How Do Ohio's Scrap Tire Rules Affect*

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Generators of Scrap Tires? and *Mosquito Control and Storage of Scrap Tires*. To be in compliance with the tire regulations, it appears you will need to make some changes in your current practices. If you have questions about complying with the scrap tire regulations please contact Peter Thompson, Ohio EPA Division of Solid and Infectious Waste at (740) 380-5219.

Should you have any questions regarding this letter, please feel free to call me at (740) 380-5248. You can find copies of the hazardous rules and other information on the division's web page at <http://epa.ohio.gov/dhwm>.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EAH/mlm

Enclosures

cc: Lisa Duvall, Ohio EPA-DAPC
Peter Thompson, Ohio EPA-DSIWM
Donald B. Grubbs, Morgan County Health Department

NOTICE:

Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.