



**Environmental
Protection Agency**

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

May 7, 2012

**BELMONT COUNTY
SITE: GENERAL**

Mr. Dave Barker
Barker's Used Cars
54308 Ranker Road
Jerusalem, Ohio 43747

Dear Mr. Barker:

On April 9, 2012, Melody Stewart and I conducted a complaint investigation of Barker's Used Cars to determine the validity of a complaint that was received by this office on March 30, 2012, and to determine the company's compliance with Ohio's solid and hazardous waste laws and regulations, as found in the Ohio Revised Code and the Ohio Administrative Code (ORC and OAC, respectively). The complainant alleged that automotive fluids from crushing cars were being disposed of onto the ground and that tires were not being managed properly.

On May 1, 2012, we did a follow up inspection of your facility. The solid waste is placed in a J&J roll-off box and taken to Kimble Landfill bi-weekly. The tires dumped near the swamp area, near the cow pasture, have been removed from the site and are being managed by the JB Green Team (Jefferson Belmont Solid Waste Authority).

There is still a large quantity of tires that are not being stored properly and a small amount of solid waste along the northwest hillside. In order to receive a return to compliance letter for these violations, you will need to make sure all tires are properly stored to prevent accumulation of standing water. All solid waste needs to be disposed of at a licensed solid waste disposal facility.

Based on the follow-up inspection, Barker's Used Cars has adequately demonstrated abatement of the following hazardous waste regulation:

Used oil storage requirements for generators, OAC rule 3745-279-22(C)

However, the following violations of Ohio's solid waste regulations remain outstanding:

1. **ORC rule 3734.03 states in part:**

ORC 3734.03 - No person shall dispose of solid wastes by open dumping or open burning.

2. **OAC rule 3745-27-05(C)** - No person shall conduct, permit, or allow open dumping.

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.

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.

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. All other solid waste must be removed from the property and disposed of at either a licensed solid waste disposal facility or taken to a legitimate recycling facility. Copies of receipts for disposal or recycling should be submitted to this office as proof of disposal.

Within ***twenty-one (21) days*** of receipt of this letter, Barker's Used Cars is requested to provide documentation to this office verifying abatement of the aforementioned violations. Failure to redress listed violations and respond within this timeframe may result in escalated enforcement against Barker's Used Cars for violation of Chapter 3734. (or 3714.) 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 erika.jackson@epa.ohio.gov or melody.stewart@epa.ohio.gov. If Barker's Used Cars is unable to return to compliance within the twenty-one (21) day timeframe, please contact Erika Jackson at (740) 380-5228 or Melody Stewart at (740) 380-5256.

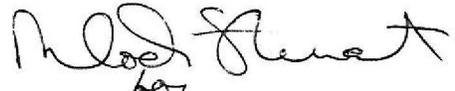
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised 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 regarding this letter, please call.

Sincerely,



Melody Stewart
District Representative
DMWM – Hazardous Waste
(740)380.5256



Erika Jackson
District Representative
DMWM – Solid Waste
(740)380-5228

MS/EJ/sb

Enclosures
OCAPP Brochure

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 appropriate regulations.