



Environmental
Protection Agency

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

May 3, 2012

Kris Williams
Williams Investments of Troy LLC
641 South Union Street
Troy, Ohio 45373

**RE: Notice of Violation- Open Dumping
Property Located at 641 South Union, Troy, Miami County**

Dear Mr. Williams:

On April 19, 2012, Betty Arthungal and I, representing the Ohio Environmental Protection Agency (Ohio EPA), Southwest District Office (SWDO), Division of Materials and Waste Management (DMWM), conducted a site visit on your property located at 641 South Union Street (Parcel Number D08-090920) in Troy, Miami County, Ohio. The inspection was to determine if scrap tires remain at this address. It was determined that approximately 550 semi tires remain at the back of the property. The scrap tires are both inside and outside of old dilapidated salt barns.

During a phone conversation with you on April 24, 2012, I was informed that the previous owner was to remove his belongings (including the scrap tires) from the property within 30 days of the purchase agreement. The previous owner has defaulted on this agreement and you are taking legal action against the previous owner, but the individual/company is not responding.

Your property (Parcel Number D08-090920) is the site of open dumping of scrap tires which are defined as a solid waste. Open dumping of solid waste is a violation of Ohio Administrative Code (OAC) Rule 3745-27-05(C), which states in part:

“No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734 of the Revised Code, and shall submit verification that the solid waste has been properly managed”.

And Ohio Revised Code (ORC) Section 3734.03, which states in part:

“No person shall dispose of solid wastes...by open burning or open dumping...”

Please be aware that scrap tires must be properly stored and managed in accordance with Ohio's scrap tire regulations pursuant to OAC Rule 3745-27-60. Several scrap tires on the property were observed to have water in them. The owner's failure to keep the tires free of water is a violation of OAC 3745-27-60(C)(1)(b) which states in part:

“Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time.”

This letter serves to inform you that the tires on your property must be removed for proper disposal at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office, (Attn: Jill Olberding), 401 E. Fifth St., Dayton, Ohio 45402-2911.**

Scrap tires can only legally be hauled in loads of 10 (ten) or fewer scrap tire or in any number by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

“Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers.”

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

Please respond in writing within 15 (fifteen) days of receipt of this correspondence regarding your remedy and implementation schedule in regard to the aforementioned violations.

Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters

3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6094.

Sincerely,

A handwritten signature in cursive script that reads "Jill Olberding".

Jill Olberding, R.S.
Environmental Specialist II
Division of Materials and Waste Management

JO/tf

cc: Kathy Jackson, Ohio EPA