



**Environmental  
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

May 29, 2012

**RE: NOTICE OF VIOLATION  
SCRAP TIRE STORAGE  
CARROLL COUNTY**

**CERTIFIED MAIL 7010 3090 0000 3936 2964**

Mr. Alvin Rennicker  
H&M Tire  
P. O. Box 186  
Carrollton, Ohio 44615

Dear Mr. Rennicker:

On May 24, 2012, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of H&M Tire (H&M), located on State Route 43 in Center Township, Carroll County. The purpose of this inspection was to determine compliance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC), as they pertain to scrap tires.

I did not speak to anyone upon my arrival at H&M as everyone was very busy. My observations during the inspection were taken from where I parked my vehicle along the east side of the building where tires are piled up against the building.

The following observations were made during this inspection:

1. The number of scrap tires observed stored on the ground outside trailers or buildings at H&M numbered approximately 500 to 1,000.
2. Water has accumulated in the scrap tires stored at H&M.
3. Mosquito larvae were observed in the scrap tires stored at H&M.
4. Adult mosquitoes were observed in and around the scrap tires stored at H&M.
5. A semi-trailer was spotted at H&M. I did not confirm the purpose for the presence of the trailer, nor did I enter the property to observe its contents.

In accordance with OAC Rule 3745-27-60, scrap tires, specifically including but not limited to used tires and retreadable casings, shall be stored and handled as specified in this rule at all sites containing more than one hundred scrap tires unless certain conditions apply to the specific site. None of the conditions contained in OAC Rule 3745-27-60(A) apply to H&M. Based on the above observations and OAC Rule 3745-27-60(A), the following violation was found to exist at H&M during this inspection:

1. **Failure to Control Mosquitoes:** Ohio EPA observed live mosquito larvae in the scrap tires being stored at H&M. Adult mosquitoes were also observed emerging from the scrap tires being stored at H&M.

The owner(s) or operator(s) of H&M are in violation because they have failed to control the breeding of mosquitoes in scrap tires stored at this location. The failure to control the breeding of mosquitoes in scrap tires stored at this location is a violation of the following:

- A. **OAC Rule 3745-27-60(C):** *“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, 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 of 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.*

2. **General Storage and Handling of Scrap Tires:** Ohio EPA observed approximately 500 to 1,000 scrap tires stored on the ground outside H&M. Many of the scrap tires are stored directly against the outside of the building in which you do business.

The owner(s) or operator(s) of H&M are in violation because they have failed to maintain a fire break between the scrap tires and the aforementioned building. The failure to maintain a fire break between the building and the scrap tires stored at H&M is a violation of the following:

- A. **OAC Rule 3745-27-60(B)(7)(c):** *“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure...Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles.”*
- B. **OAC Rule 3745-27-60(B)(7)(d):** *“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure...Scrap tire storage piles of more than five hundred scrap tires...shall be separated from...buildings and structures by a fire break with a width equal to or greater than fifty-six feet in accordance with the fire break chart in appendix I to rule 3745-27-65 of the Administrative Code.”*
- C. **OAC Rule 3745-27-60(B)(7)(e):** *“The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure...Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around, and between the scrap tire storage piles and areas.”*

In accordance with OAC Rule 3745-27-60(D), if upon inspection and written notification, Ohio EPA or the approved health district discover the existence of either one or both of the following:

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1. Mosquitoes at the premises, the owner or operator shall apply within twenty-four hours or the next business day an adulticide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the adulticide, the date and time of the application, and the name of the person who applied the adulticide.
2. Mosquito larvae at the premises, the owner or operator shall apply within twenty-four hours or the next business day a larvicide which is registered for use for mosquito control by the Ohio Department of Agriculture. The application shall be according to the manufacturer's or formulator's recommendations. Records shall be kept at the premises indicating the trade name of the larvicide, the date and time of the application, and the name of the person who applied the larvicide.

As documented earlier in this letter, mosquito larvae and adult mosquitoes were discovered at H&M during this inspection. H&M must comply with OAC Rule 3745-27-60(D) in order to control mosquitoes.

You can access all information regarding registered scrap tire transporters and authorized scrap tire disposal facilities in the State of Ohio by going to the following web site link: "[http://www.epa.ohio.gov/dsiwm/pages/tire\\_docs.aspx](http://www.epa.ohio.gov/dsiwm/pages/tire_docs.aspx)".

The owner(s) or operator(s) of H&M need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owner(s) or operator(s) of H&M are 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 [jerry.weber@epa.state.oh.us](mailto:jerry.weber@epa.state.oh.us).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 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.

In addition to the above violations, please be aware that in order to not be required to register and license your business as a scrap tire collection facility in accordance with OAC Rule 3745-27-61, you must make sure that no more than 1,000 scrap tires are present at any time in an unsecured, uncovered, outdoor location. In order to meet this requirement, it is recommended that you place all scrap tires intended for disposal inside the semi-trailer that is located at your business. If you cannot comply with this

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requirement, H&M will be required to submit a collection facility registration and license the facility on an annual basis.

Upon completing this inspection of the premises, it was determined that the scrap tires stored outside at H&M constitute a nuisance and a hazard to public health and safety. Failure to correct the above violations may result in escalated enforcement action being taken against the owner or operator of H&M by Ohio EPA.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274, or via e-mail at [jerry.weber@epa.state.oh.us](mailto:jerry.weber@epa.state.oh.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "J.W. Weber", is written over the typed name below.

Jerry W. Weber, RS  
Environmental Specialist  
Division of Materials and Waste Management

JWW/cl

cc: File: [Lynn Sowers/TIRE/Carroll County/GEN/10]