



Environmental
Protection Agency

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

June 6, 2012

CERTIFIED MAIL -
Returned
Hand delivered
by L. Dickerson

Mr. Tim Conway
3626 Vance Road
Moraine, Ohio 45439

RE: Notice of Violation - Open Dumping of Scrap Tires at 3626 Vance Road

Dear Mr. Conway:

On May 22, 2012, Larry Dickerson and I of the Ohio EPA, Division of Materials and Waste Management (DMWM), conducted a site visit at the above referenced property to investigate a complaint of improper storage and disposal of solid and hazardous waste materials. We observed that scrap tires are being stored illegally and therefore this property is in violation as follows:

Be advised that your property is the site of open dumping of solid waste and remains in violation of Ohio Revised Code (ORC) Section 3734.03, which states in part:

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

Open dumping is also 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.”

Scrap tires must be properly stored and managed in accordance with Ohio's scrap tire regulations pursuant to OAC Rule 3745-27-60. As an automotive scrap yard, you are not allowed to store more than 100 scrap tires, off-rim, at a time. There are several piles of tires, stacked and unstacked, off-rim and on-rim. An accurate count was difficult to determine due to vegetative overgrowth in some areas. Some 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 times.”

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: Betty Arthungal), 401 E. Fifth Street, Dayton, Ohio 45402-2911.

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As a reminder, scrap tires can only legally be hauled in loads of 10 (ten) or fewer or in any number by a registered scrap tire transporter 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.

You are requested to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you 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 betty.arthungal@epa.ohio.gov.

Please be advised that the violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 (or 3714 for C&DD) 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, we request you submit written correspondence of the steps that will be taken by date certain to attain compliance.

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, or 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 contact me by telephone at (937) 285-6048 or by e-mail at betty.arthungal@epa.ohio.gov.

Sincerely,



Betty Arthungal
Environmental Specialist
Division of Materials and Waste Management

BA/tf

cc: Michael Kautz, PHDMC
Kathy Jackson, Ohio EPA

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MR TIM CONWAY
3626 VANCE ROAD
MORaine, OH 45439

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- 2. Print your name and address on the reverse so that we can return the card to you.
- 3. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

MR TIM CONWAY
3626 VANCE ROAD
MORaine, OH 45439

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Ohio

**Environmental
Protection Agency**

Southwest District Office
401 East Fifth Street
Dayton, Ohio 45402-2911



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MR TIM CONWAY
3626 VANCE ROAD
MORaine, OH 45439

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