



**Environmental
Protection Agency**

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

September 27, 2012

**RE: ROSS COUNTY
TIRE - GEN**

Ed Hughes
Ed's Tire
6606 Liberty Hill Road
Chillicothe, Ohio 45601

Dear Mr. Hughes:

On September 7, 2012, I conducted a complaint investigation at your tire shop. This office has received multiple complaints regarding the improper storage of tires at your facility.

The complaints allege that the improper storage of tires has created conditions favorable to the breeding of vector mosquitos.

You indicated that you are currently using Liberty Tire for transport and disposal of the scrap tires that are generated by your facility. Liberty Tire is a registered scrap tire transporter in Ohio. You provided receipts from two recent pickups. You stated that Liberty Tire currently pick up scrap tires at your business on a bi-weekly schedule.

I observed that you have several hundred "used" tires stored along the side of your building. You stated that the used tires are part of your tire inventory. Please be advised that any used tires are considered scrap tires for the purpose of storage, transport, and disposal. Mosquito larvae were observed within the tires

You indicated your plans are to build a lean-to structure adjacent to your existing building. You showed me metal roofing recently purchased for this endeavor. Holes have been augured for the placement of the posts. You stated that you have contracted with a builder to construct this structure. You said that the schedule for completing the project was the following week and that you hoped to have all of the tires dewatered and under roof within two weeks.

Scrap tires are a solid waste and must be properly stored and managed in accordance with OAC Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of the Ohio Administrative Code.

Based on my observations, you are in violation of open dumping of solid waste in accordance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapters 3745-27 of the Ohio Administrative Code (OAC). Specifically:

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

OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the

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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.

OAC Rule 3745-27-60(B) states that “The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards”:

OAC Rule 3745-27-60(B)(1) states that sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored. Your scrap tires are not being stored with sufficient drainage such that water does not collect in the tires. Water was observed in the scrap tires.

OAC Rule 3745-27-60(C) states that approved methods shall be used to control mosquitos at the premises. No mosquito control activity has been used at the site.

The scrap tire pile is in violation of OAC Rule 3745-27-60(B) and (C), and is a nuisance, a hazard to public health or safety, and a fire hazard.

Please respond in writing within 15 days receipt of this letter as to your intentions to abate the violations. If you have any questions, please feel free to contact me at 740-380-5438.

Sincerely,



Daniel L Bergert, R.S.
Environmental Specialist II
Division of Materials and Waste Management

DLB/mr

cc: Ross County Health Department