Ohio EPA
40 years and moving forward
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 3, 2012

RE: GUERNSEY COUNTY GEN

Thomas and Angela Braniger
13114 Pebble Road
Kimbolton OH 43749

Dear Mr. and Mrs. Braniger:

On November 28, 2012, Ryan Murphy of the Guernsey County Health Department and I conducted an investigation of a complaint received in the health department regarding open dumping of tires and other solid waste on your property located on Pebble Road in Guernsey County. The complainant alleged that tires and other solid waste were dumped into a ravine and runoff water was carrying some of the waste onto a neighboring property. At the site, we observed what appeared to be over 100 tires and other solid waste in a ravine on your property and verified the complaint.

Please be advised that open dumping or open burning of tires and other solid wastes are violations of Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC). Specifically:

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

OAC 3745-27-05(C) - 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.

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 standard":

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.

OAC Rule 3745-27-60(C) states that approved methods shall be used to control mosquitos at the premises.

Based on your failure to comply with the aforementioned standards, your scrap tire pile is in violation of OAC Rule 3745-27-60(B) and is a nuisance, a hazard to public health or safety, and a fire hazard.

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.

Pursuant to Ohio Revised Code (ORC) 3734.03 and OAC 3745-27-05(C), no person shall conduct, permit or allow open dumping. Our investigation found that scrap tires are open dumped at this site and you are, therefore, in violation of the aforementioned law and rule. All scrap tires, and the other solid wastes must be removed to an approved facility for proper disposal. Please respond to this letter within fifteen days to inform me of your intentions and actions taken to abate this open dump.

If you have any questions regarding this matter, you may contact me at 740-380-5439.

Sincerely,

Brian Queen, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management
Southeast District Office

BQ/cb

cc: Ryan Murphy, Guernsey County Health Department