



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

July 27, 2007

CERTIFIED MAIL

Mr. Greg Vandemark
2129 State Route 125
Amelia, Ohio 45102

RE: **NOTICE OF VIOLATIONS (NOV) AT 2129 STATE ROUTE 125**

Dear Mr Vandemark:

On July 11, 2007, I inspected your facility at 2129 State Route 125 in Amelia, Ohio. I was accompanied by Eric Ratcliff of the Clermont County Health District and Harry Smail of Ohio EPA, Tire Unit.

At the time of the inspection two large tire piles were noted on the property. One tire pile was located behind the buildings on the edge of the property near the fence.



Mr. Greg Vandemark
July 27, 2007
Page 2

The other pile was located close to the pile beside the fence.



These tire piles are in violation of the Ohio Administrative Code (OAC) Rule 3745-27-61 which states:

- (1) Except as specified in paragraphs (a)(2) and (a)(3) of this rule, this rule is applicable to Scrap Tire Collection, Class II Storage, and Class II Scrap Tire Recovery facilities, as defined in rule 3745-27-01 of the Administrative Code, as follows:
 - (a) An application for a registration certificate for a new facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office of Ohio EPA's division of solid and infectious waste management, based on where the facility is to be located, at least ninety days prior to the date on which the applicant proposes to accept scrap tires at the facility.

Mr. Greg Vandemark
July 27, 2007
Page 3

A class II scrap tire storage facility has a total aggregate storage area of ten thousand square feet in basal area or less.

OAC Rule 3745-27-61(A)(2)(c) states:

- (2) Scrap tire collection facility exemptions. The requirement to obtain a scrap tire collection facility registration certificate does not apply to the following:
 - (c) The premises of a business that removes tires from motor vehicles in the ordinary course of business on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet.

In order to meet this exemption, the number of scrap tires located at your facility must be reduced to an area not more than twenty-five hundred (2,500) square feet in basal area.

This is also a violation of OAC Rule 3745-27-60 (B)(6) which states:

- (6) The following requirements apply to storage of scrap tires outside of a building or covered structure:
 - (a) Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code.

This is also a violation of scrap tire storage rules. The scrap tire storage piles must have fire lanes in compliance with the fire lane chart described in paragraph (F) of OAC Rule 3745-27-65. The fire lanes must be maintained to allow access of emergency fire equipment to and around the tire piles at all times.

The scrap tires contained stagnant water with mosquito larvae present in some of the tires.

Mr. Greg Vandemark
July 27, 2007
Page 4



This is a violation of OAC Rule 3745-27-65(H) which states:

- (H) Mosquito and vector control at scrap tire collection, storage, and recovery facilities.
 - (1) The owner or operator shall implement and maintain effective control measures for mosquitoes and other vectors throughout the facility.
 - (2) The owner or operator shall do one or more of the following to control mosquitoes at the facility:
 - (a) Remove liquids from scrap tires and immediately store scrap tires such that water does not accumulate in scrap tires. The owner or operator shall keep the scrap tires free of water at all times.
 - (b) Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio department of agriculture at no greater than thirty-day intervals or other intervals recommended by the manufacturer or formulator. If applying any pesticide as a mosquito control, then mosquito control records shall be maintained at the facility indicating the name, type, amount used per tire, and us 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.
 - (c) Use another method of mosquito control which is approved by Ohio EPA.
 - (3) If upon inspection and written notification, Ohio EPA or the approved health department or their authorized representatives discover the existence of the following:
 - (a) Mosquitoes at the facility, the owner or operator shall apply within twenty-four hours 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 maintained at the facility indicating the trade name of the adulticide, type, amount used per tire, and us epa registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the adulticide.

- (b) Mosquito larvae at the facility, the owner or operator shall apply within twenty-four hours 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 maintained at the facility indicating the trade name of the larvicide, type, amount used per tire, and us EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the larvicide.
- (4) The owner or operator shall make the mosquito control records available for inspection by the director, the health commissioner, or their authorized representatives during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years.

You have received notice from the Clermont County Health District that mosquito measures must be implemented. Keeping tires free of water is especially important since the presence of West Nile Virus has been confirmed in many counties in Ohio. Mosquitoes also carry other diseases which are potentially harmful to humans.

You stated during the inspection that you would like a one-time exemption to be able to haul tires without registering as a scrap tire hauler.

OAC Rule 3745-27-54(A)(2)(m) states:

- (m) Any person who is directed to remove scrap tires from his property to abate a public nuisance or open dump, if the director or health commissioner or authorized representative specifically directs the person to do so in writing. The direction shall cite this paragraph of this rule, identify the name and address of the person transporting the scrap tires, identify the address of the point of origin of the scrap tires, identify the name and address of the destination of the scrap tires, and include a specific time period for such transportation.

You must request from the Clermont County General Health District an exemption stating the name and address of the person transporting the scrap tires, the name and address of the destination of the scrap tires, and a time frame in which this will occur. Once you receive such a letter from the Clermont County General Health District, you may transport the tires to a registered scrap tire disposal facility. The letter from the

Mr. Greg Vandemark
July 27, 2007
Page 7

Health District must accompany the person transporting the scrap tires when more than ten (10) tires are transported at any one time. **If the tires are not transported to a registered scrap tire disposal facility immediately, mosquito control measures must be implemented.**

The Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) specifically prohibits open dumping of tires. This letter serves to inform you that the tires on your property must be removed for proper disposal. Scrap tires may be disposed of at a licensed scrap tire disposal facility. **Receipts documenting proper disposal need to be submitted to the Clermont County Health District (attention Eric Ratcliff). A reinspection will then be scheduled to verify that the cleanup is complete to verify and document your return to compliance with Ohio law.**

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, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

Please respond in within fourteen (14) days of receipt of this correspondence regarding your remedy and implementation schedule in regard to the aforementioned violations.

If you have any questions, please contact me at (937) 285-6357 or Eric Ratcliff of the Clermont County General Health District at (513) 732-7499.

Sincerely,



Cheryl Allen, R.S.
Division of Solid and Infectious
Waste Management

CC: Eric Ratcliff, Clermont County General Health District

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**MR GREG VANDEMARK
2129 STATE ROUTE 125
AMELIA OH 45102**

PS Form 3800, August 2006

See Reverse for Instructions