



**Environmental  
Protection Agency**

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

Re: Williams County  
John's Towing & Repair  
**Notice of Violation**  
Case # 12-25

July 19, 2012

Mr. John Weaver  
John's Towing and Repair  
544 Commerce Drive  
Bryan, Ohio 43506

Dear Mr. Weaver:

On July 10, 2012, the Ohio Environmental Protection Agency (Ohio EPA) inspected your place of business, John's Towing and Repair (Facility), 544 Commerce Dr., Bryan, Ohio, to document your compliance status with Ohio's scrap tire transporter and storage requirements. I represented Ohio EPA, along with Ms. Mary Wright. You represented the Facility at the time of the inspection. The Facility is a retail tire dealer.

During the inspection I observed a pile of scrap tires, estimated to be around 1500-2000 tires, being stored at the south-west corner of the Facility. OAC Rule 3745-27-61(A)(3) states retail tire dealers are exempt from the requirement to register as a scrap tire storage facility provided that tires are sold at retail and **no more than one thousand** scrap tires are present at any time in an unsecured, uncovered, outdoor location. Your business currently does not meet this exemption.

OAC Rule 3745-27-61(B) states in pertinent part:

*An application for a registration certificate as required by section 3734.75, 3734.76, or 3734.78 of the Revised Code shall be submitted to and approved by the director, before the establishment or modification of the scrap tire collection, class II scrap tire storage, or class II scrap tire recovery facility is begun.*

**The owner/operator of the Facility is in violation of OAC Rule 3745-27-61(B) for not obtaining a scrap tire storage registration prior to operation.** In order to resolve the violation you must remove the scrap tires and not store more than one thousand on-site at any time. Routine shipments of scrap tires for disposal should be scheduled and be incorporated into your business plan.

Please be advised the Ohio has regulations pertaining to the management of mosquitos that apply to anyone storing scrap tires. OAC Rule 3745-27-60(C) states:

*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 or 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.*

No records were available during the inspection showing that pesticide/larvicide had been applied to the scrap tires. **The owner/operator of the Facility is in violation of OAC Rule 3745-27-60(C) for failure to control mosquitoes at the premises.** In order to resolve the violation, please ensure the scrap tires are stored dry or records are kept of appropriate pesticide/larvicide applications.

During the inspection you indicated that shipments of scrap tires had been made to the Henry County Landfill (recovery facility) on a couple of occasions. You were able to provide copies of cleared checks to the landfill that indicate that you paid the landfill for scrap tire disposal. However, no other shipping papers were available. OAC Rule 3745-27-57(E) states, in pertinent part, "...facilities that generate or accept scrap tires shall retain a copy of all completed shipping papers for a minimum of three years." **The owner/operator is in violation of OAC Rule 3745-57(E) for failing to maintain shipping papers.**

Mr. John Weaver  
July 19, 2012  
Page 3

You stated that you had been transporting scrap tires to various locations for disposal and/or beneficial use. OAC Rule 3745-27-54(B) states:

*... An application for an annual registration certificate as required by section 3734.83 of the Revised Code, shall be submitted to and approved by the director, before the transportation of scrap tires is begun.*

**The owner/operator of the Facility is in violation of OAC Rule 3745-27-54(B) for transporting scrap tires without obtaining a registration certificate.** Ensure that any scrap tires removed from the Facility are removed by a registered scrap tire transporter and the paperwork from the removal is kept on file to document that the scrap tires are managed appropriately. A copy of licensed scrap tire transporters within the State of Ohio was provided to you at the time of the inspection. In order to resolve the two aforementioned violations you must provide me with copies of shipping papers of a load of scrap tires being removed from the Facility by a licensed hauler.

The owner/operator of John's Towing and Repair needs 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/operator is 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 [jeremy.scoles@epa.ohio.gov](mailto:jeremy.scoles@epa.ohio.gov).

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, the owner/operator is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (419) 373-3079 or by e-mail at [jeremy.scoles@epa.ohio.gov](mailto:jeremy.scoles@epa.ohio.gov).

Sincerely,



Jeremy Scoles, RS  
Environmental Supervisor  
Division of Materials and Waste Management

/cg

pc: File: Williams County, Tires