



**Environmental
Protection Agency**

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

Re: Retail Tire Dealer
Nu-Tire & Retread Center, Inc.
Notice of Violation

September 27, 2012

Mr. Randy McGrady
Nu-Tire & Retread Center, Inc.
323 East State Street
Fremont, Ohio 43420

Dear Mr. McGrady:

On September 20, 2012, the Ohio Environmental Protection Agency (Ohio EPA) and the Sandusky County Health Department (Health Department) conducted an inspection of your tire retail/retread business, located at 323 East State Street, Fremont (facility). The inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-60 and OAC Rule 3745-27-61. Maria Anderson represented the Health Department, I represented Ohio EPA and Scott Falter represented the facility during the inspection.

A large scrap tire pile was located behind the facility. The scrap tire pile circled two trailers with an open end at the trailer entrance. The pile was approximately 37' x 64'. There was also a small pile of truck tires located on the other side of the exit door.

On July 3, 2012, you stated the scrap tire storage pile would be in compliance with OAC Rules by the end of the summer and at no time would the pile increase in size. The pile has decreased, but continues to in noncompliance.

The storage of scrap tires in any amount is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the specific standards set forth in OAC Rule 3745-27-60(B)(1) - (11).

You will remain in violation of the following OAC rules until the rule requirements are met:

1. OAC Rule 3745-27-60(B)(1) states, "*Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored.*"

2. OAC Rule 3745-27-60(B)(7) applies to storage of scrap tires outside portable containers, semi-trailers, 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. Scrap tire storage piles shall include any area where scrap tires are stored in racks. The two thousand five hundred square feet basal area shall apply to multiple racks and small scrap tire piles not separated from other racks, piles, or structures by a fire break at least fifty-six feet wide. The basal area of the scrap tire storage pile shall include the area of the tire piles, racks, and the area of any walkway or other open areas that do not meet the definition of a fire break as defined in rule 3745-27- 01 of the Administrative Code.

(b) Scrap tire storage piles shall not exceed eight feet in height

3. OAC Rule 3745-27-60(B)(7)(d) which requires, "Scrap tire storage piles of more than five hundred scrap tires including single or multiple racks containing a total of more than five hundred scrap tires shall be separated from other scrap tire storage piles and from buildings and structures by a fire break with a width equal to or greater than fifty-six feet in accordance with the fire break chart in appendix I to rule 3745-27-65 of the Administrative Code."
4. OAC Rule 3745-27-60(B)(7)(e) states, "Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around, and between the scrap tire storage piles and areas."

Scrap tires, if not properly managed, may become a breeding ground for mosquitoes. Mosquitoes are common disease vectors for St. Louis encephalitis, La Crosse encephalitis, Yellow Fever, West Nile Virus, and Dengue Fever.

OAC Rule 3745-27-60(C) requires the owner/operator to control mosquitoes:

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.*

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- (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.*

Implement mosquito control measures as described above, if you have not already done so. Maintain documentation of your mosquito control measures for a minimum of three years and have this documentation available for review by Ohio EPA in accordance with OAC Rule 3745-27-60(C)(3). Failure to implement mosquito control measures will result in a violation OAC Rule 3745-27-60(C).

Should mosquitoes or mosquito larvae be discovered at the site, additional mosquito control measures will be required pursuant to OAC Rule 3745-27-60(D).

The tires for resale should not be included in a scrap tire pile. If they are stored with the scrap tires, they will be included in the scrap tire pile and scrap tire regulations will apply.

Please forward copies of receipts documenting disposal of scrap tires and your mosquito control method to my attention at:

Ohio EPA - NWDO
Attn: Susan Hardy
347 N. Dunbridge Road
Bowling Green, Ohio 43402

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Please be advised that only a registered scrap tire transporter may transport ten (10) or more scrap tires in a load.

The owner/operator must 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 that will be taken to abate the violations cited above. Documentation of steps taken to return to compliance include written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to Susan.Hardy@epa.ohio.gov.

If you have any questions, please contact me at (419) 373-3043.

Sincerely,



Susan Hardy, R.S.
Environmental Specialist
Division of Materials and Waste Management

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pc: Dan Buyers, Assistant Chief
Maria Anderson, Sandusky County Health Department
File: DMWM/SW, Sandusky County, Tires

ec: Mike Reiser, DMWM, NWDO

Please be advised that the violations cited above will continue until 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.