



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

April 30, 2013

**RE: PIKE COUNTY
SITE-GEN**

Kenneth Scharbrough
11030 State Route 124
Piketon, Ohio 45661

Dear Mr. Scharbrough:

Ohio EPA received a complaint of illegal transport of scrap tires and open dumping and open burning of scrap tires located at 715 Shoemaker Road in Pike County. On April 25, 2013, Erika Jackson and I accompanied Ryan Williams and Matt Brewster of the Pike County General District (PCGHD) during an investigation of this property. The complainant alleged Arthur Young hauled in approximately 20 truck loads of scrap tires to this address and had burned scrap tires in the evenings at this location.

We found the complaint to be valid. During this investigation, we observed large piles of scrap tires dumped in the side yard of this property. There were also wire remnants of burned scrap tires and ashes in a burn pile near the tires. We estimated there were approximately 600 scrap tires on site.

Mr. Young arrived at the site during our visit. He confirmed this was his residence and that he had hauled the tires to this property. Mr. Young also admitted that he had burned tires and that the local fire department had been dispatched to put out the fire and informed him not to burn any more tires. Mr. Young said that he had obtained the tires from your tire shop on State Route 124. Mr. Young stated that you had paid him a dollar a tire to take the scrap tires. He said he has been selling a few of the tires and had plans to use some of the tires to build various items.

We then visited your tire shop and spoke to you. You admitted that you had paid Mr. Young to remove the tires from your facility. We explained that as a tire generator, you are responsible for using a registered tire transporter for removal of your scrap tires. Further, since you paid Mr. Young to remove your tires, you allowed for him to open dump the scrap tires and share in the responsibility for clean-up of the tires.

Please be advised that using an unregistered scrap tire hauler to transport scrap tires and open dumping of solid waste are violations of Ohio Revised Code (ORC) and Ohio Administrative Code (OAC). Specifically:

ORC Section 3717.83 Section 3734.83(C) – "...no person who possesses scrap tires shall cause them to be transported by any person who is not registered as a transporter under this section."

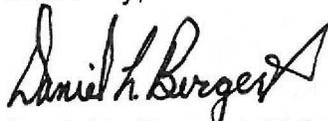
OAC Rule 3745-27-05(C) - No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person responsible for the open dumping, the owner of the property, or the person who allows or allowed open dumping to occur, shall promptly 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.

You are in violation of these statutes. All future scrap tires should be shipped using a registered scrap tire transporter. Dumping of solid waste (scrap tires) in this manner should cease. The scrap tires must be legally transported and disposed of or recycled.

I would encourage you to contact Mr. Young to develop a plan for clean-up of the scrap tires. All scrap tires must be removed for proper disposal. The accumulated scrap tires should be legally disposed of at a licensed solid waste facility. Written receipts for all scrap tires recycled or legally disposed should be obtained.

Please provide a copy of the disposal receipts to this office. Please respond in writing within 10 days receipt of this letter as to your intentions to address the violations that exist on this property. Should you have any questions regarding this letter, please feel free to contact me at (740) 380-5438.

Sincerely,



Daniel L. Bergert, R.S.
Division of Material and Waste Management

DB/mr

cc: Pike County General Health Department
cc: Arthur Young, 715 Shoemaker Road, Latham, Ohio 45646