



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

July 2, 2013

**RE: SUPER TREAD TIRE SERVICE
NOTICE OF VIOLATION**

Mary Woodring
3608 SR 534
Windsor, Ohio 44099

Dear Ms. Woodring:

On June 24, 2013, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of the property located at 346 Buffalo Street, Conneaut, Ohio 44030-2460, in Ashtabula County, Ohio (Property). The purpose of the inspection was to determine compliance with Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC), as they pertain to scrap tires.

The following observations were made during the inspection and subsequent discussion with the Conneaut Fire Department:

1. Approximately 2,500 scrap passenger and truck tires are piled or stacked on the ground adjacent to and behind the building. The scrap tires were not covered and were holding water.
2. Per discussions with the Conneaut Fire Department and individuals that worked at the business, the building is composed of two separate structures that are full of scrap tires. However, the structure that is closest to the rail road tracks is full (from floor to ceiling) of scrap tires. The building is locked and inaccessible; therefore, there is a large and undetermined number of tires likely inside the building.

Based on the above observations and OAC Rule 3745-27-60(A), the following violations were found to exist at the Property during the inspection:

1. **ORC 3734.03** states *"No person shall dispose of solid waste by open burning or open dumping..."*

OAC Rule 3745-27-05(C) states *"No person shall conduct, permit, or allow open dumping."*

The owner of the property is in violation of this statute and rule due to the open dumping of scrap tires on the Property. Ohio EPA observed that the scrap tires have been abandoned or allowed to be open dumped on the Property.

2. **OAC Rule 3745-27-60(B)(7)** states that the storage of scrap tires in any amount outside is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in the following manner:

- 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.*
- c) *Scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles.*
- d) *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.*
- e) *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.*

The owner of the Property is in violation of these rules due to the presence of large piles of scrap tires behind the building without sufficient fire breaks or fire lanes. The owner must remove and properly dispose of the scrap tires at a licensed and registered scrap tire facility. However, until the scrap tires are removed, the owner of the property must meet all fire preventative measures.

3. **OAC Rule 3745-27-60(B)(8)** states that the storage of scrap tires in any amount inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards:
 - a) *Individual scrap tire storage piles shall not exceed two thousand five hundred 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, stacks, or piles. The two thousand five hundred square feet basal area shall apply to multiple racks not separated from other racks, piles, or structures by at least eight feet.*
 - b) *The width of aisles between scrap tire storage piles shall be at least eight feet.*

- c) *The clearance from the top of scrap tire storage piles to sprinkler deflectors shall be at least three feet.*
- d) *Clearances in all directions from the top of scrap tire storage piles to roof structures shall be at least three feet.*
- e) *Clearances from the top of scrap tire storage piles to unit heaters, radiant space heaters, duct furnaces, and flues shall be at least three feet in all directions, and shall be in accordance with the clearance distances recommended by the equipment manufacturer.*

The owner of the Property is in violation of these rules due to failure to store scrap tires without adequate setbacks. The owner must remove and properly dispose of the scrap tires at a licensed and registered scrap tire facility. However, until the scrap tires are removed, the owner of the property must meet all fire preventative measures.

4. **OAC 3745-27-60(C)(1)** states 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.*

OAC 3745-27-60(C)(2) states that the owner must “[m]aintain 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.”

OAC 3745-27-60(C)(3) states that the owner must “[m]aintain 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.”

The owner of the Property is in violation for failure to keep the scrap tires dry and for failure to apply mosquito control. The owner must either keep the tires dry or apply mosquito control as required by the rules.

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In order to return to compliance with the applicable laws and rules, the owner of the Property must immediately remove all scrap tires from the Property and transport them via a scrap tire transporter which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio. A list of registered scrap tire transporters and disposal facilities in the State of Ohio and all other information regarding the storage and handling of scrap tires can be found at <http://www.epa.ohio.gov/dmwm/Home/ScrapTires.aspx>.

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you are 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 colum.mckenna@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 ORC 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, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Upon completing the inspections of the Property located at 346 Buffalo Street, Conneaut, it was determined that the scrap tires open dumped at the location constitute a nuisance and a hazard to public health and safety. Failure to correct the above violations may result in escalated enforcement action being taken against you by Ohio EPA.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1268 or via e-mail at colum.mckenna@epa.ohio.gov.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Materials and Waste Management

CM/cl

ec: Laura Tobias, DMWM, NEDO

cc: Sally Kennedy, Conneaut Health Department
Conneaut Fire Department
File: [Singh/Conneaut City/GEN/04]
DMWM # 5099