



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

Re: Scrap Tires
Case No. 13-37
Hancock County
Notice of Violation

September 10, 2013

Ms. Lois J. Rhoton
311 Church Hill Drive
Findlay, Ohio 45840

Dear Ms. Rhoton,

On August 27, 2013, Jeremy Scoles and I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of a property located at 0 North Main Street, Findlay, Ohio in Hancock County (Property). The Property is identified as Parcel 5700002000090 according to the Hancock County Auditor and you are identified as the owner of said parcel. See Figure 1. for location of the Property. The purpose of this inspection was to determine compliance with Ohio Administrative Code (OAC) Chapter 3745-27-60.

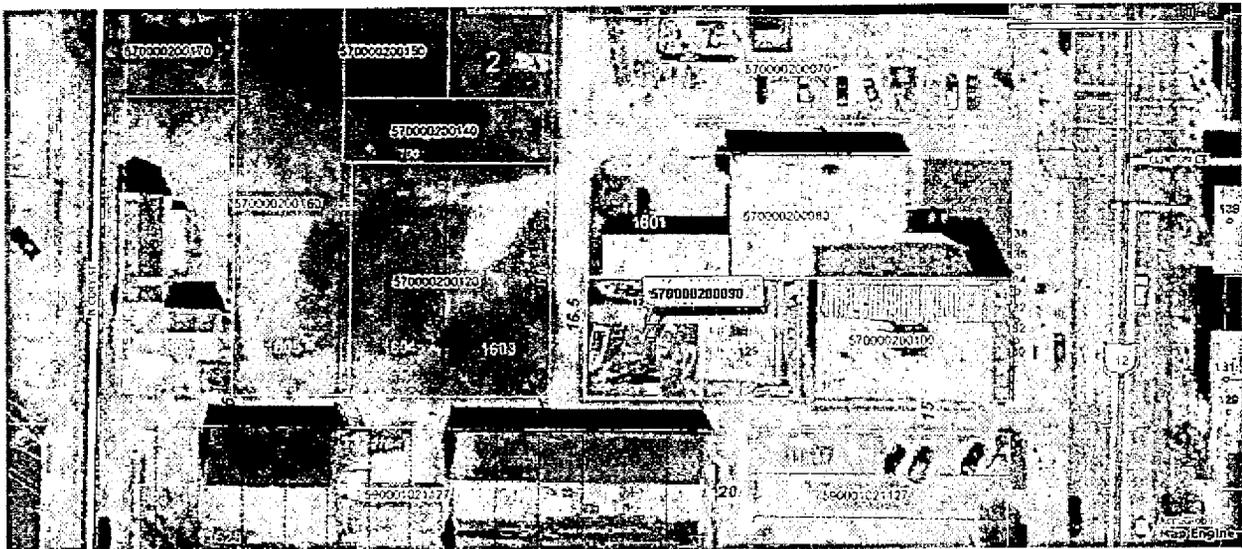


Figure 1, Location of 0 North Main Street, Findlay, Ohio.

Description of Ohio EPA's observations at the Facility:

The weather at the time of the inspection was warm and overcast.

Approximately 25-30 tires were being stored uncovered on several watercraft and next to a building on the Property.

Notification of violations of Ohio laws and rules:

The owner of the Property is in violation of the following laws and rules:

1. Ohio Revised Code (ORC) Section 3734.03:

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection in rules adopted in accordance with division (V) of section 3734.01, section 3734.02, or sections 3734.70 to 3734.73 of the Revised Code and except for burying or burning the body of a dead animal as authorized by section 941.14 of the Revised Code. No person shall dispose of treated or untreated infectious wastes by open burning or open dumping.

2. Ohio Administrative Code (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(s) responsible for the open dumping, the owner of the property, or the person(s) who allow 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.

“Open dumping” as defined in OAC Rule 3745-27-01(O)(4): (in pertinent part)

(b) The deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745 27 and 3745-37 of the Administrative Code.

3. ORC Section 3734.76(C) which states in pertinent part:

. . . no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate . . .

4. OAC Rule 3745-27-61(B) which 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...

5. OAC Rule 3745-27-60(B)(7):

The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, 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. 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.

6. OAC Rule 3745-27-60(C):

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.

Recommendations and other comments:

The owner of the Property needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Please respond in writing within 14 days from the date of this letter. Your response shall include the following:

1. A detailed description of how the tires were acquired and/or why they were disposed of at the Property.
2. A complete schedule for removing and properly disposing of the solid waste (i.e. scrap tires) that is currently located on the Property.

Please submit this response and/or any other pertinent documentation to:

Ohio EPA – NWDO
Attn: Curtis DeLong
347 North Dunbridge Road
Bowling Green, Ohio 43402

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.

Compliance with the requirements outlined in this letter, or the solid and infectious waste provisions in Ohio Revised Code (ORC) Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator of his/her obligation to comply with other State and Federal laws and regulations.

This correspondence addressed specific observations only for the areas of the Property that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no other violations existed at the Property at the time of inspection.

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Additional resources regarding management of scrap tires can be found at:
<http://epa.ohio.gov/dmwm/Home/ScrapTires.aspx> or by searching "scrap tires" in the dialogue search box while on the Ohio EPA website (<http://www.epa.state.oh.us>).

Please contact me at (419) 373-3033 or curtis.delong@epa.state.oh.us if you have any questions concerning this inspection.

Sincerely,



Curtis DeLong, S.I.T.
Environmental Specialist II
Division of Materials and Waste Management

/cg

pc: File: DMWM/SW, Hancock County, Tires

ec: Jeremy Scoles, DMWM-NWDO