



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

September 26, 2013

Mr. Kris Williams  
Williams Investments of Troy, LLC  
1881 Laurel Creek  
Troy, Ohio 45373

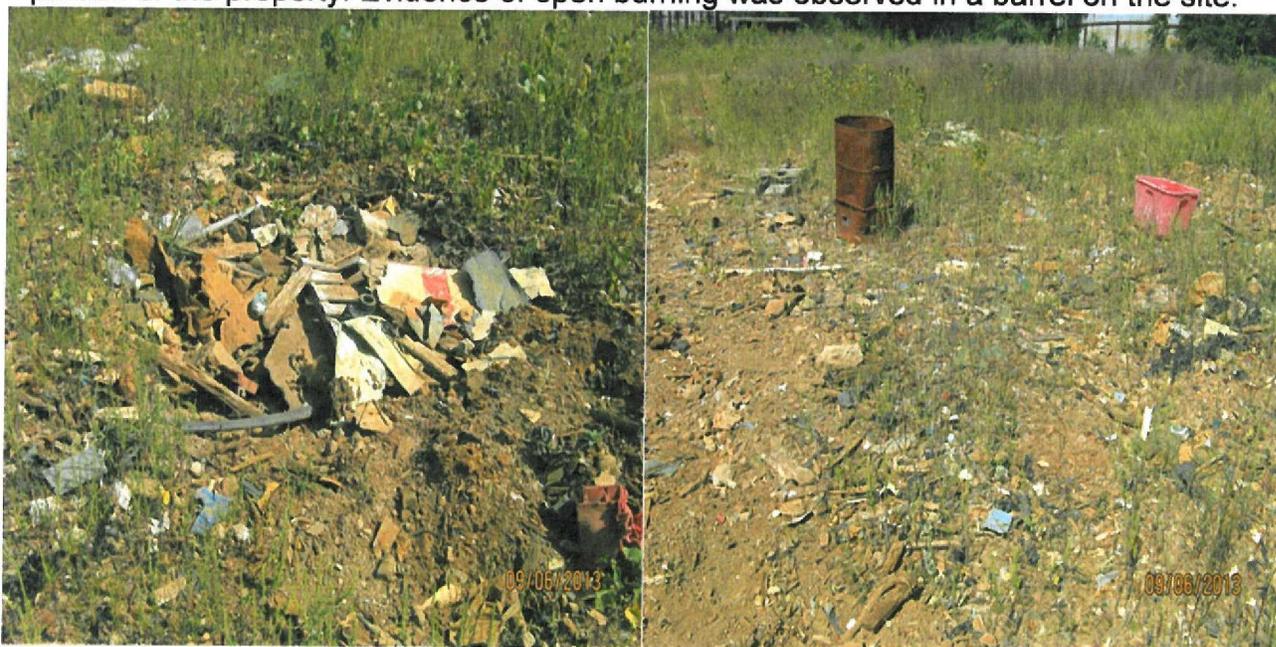
**RE: 633 South Union Street  
Notice of Violation  
ST018908  
Scrap Tires  
Miami County**

Dear Mr. Williams:

On September 6, 2013, Monte Bluebaum and I, representing Ohio EPA, Southwest District Office (SWDO), Division of Materials and Waste Management (DMWM), conducted a site visit at 633 South Union Street (Parcel Number D08-097425), in Troy, Miami County, Ohio. The purpose of the site visit was to conduct a re-inspection for violations originally documented during a June 7, 2012 inspection and documented again during a September 12, 2012 inspection. Steve Bolyard, tenant at the property, accompanied us during our inspection.

During the September 6, 2013 inspection, we observed the following:

1. Piles of miscellaneous solid wastes, including but not limited to, scrap tires, metal, automotive parts, bottles, glass, insulation, pieces of plastic, broken plastic recycling tote, food wrappers, and a burn barrel (see Figures 1 and 2) along the southeastern portion of the property. Evidence of open burning was observed in a barrel on the site.



Figures 1 and 2: Solid waste on southeast side of property

Based on the observations made during site visits on September 6 and 12, 2013, your property (Parcel Number D08-097425) remains the site of open burning and open dumping of solid wastes including scrap tires. The property owner's failure to remove all solid wastes, including but not limited to, the solid waste items previously listed and scrap tires dumped on the property, remains a violation of the following sections of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC):

a) ORC 3734.03 which states in part:

*"No person shall dispose of solid wastes...by open burning or open dumping..."*

b) Open Dumping is also a violation of OAC Rule 3745-27-05(C), which states in part:

*"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".*

c) ORC Section 3734.02(C), which states in part:

*"No person shall establish a solid waste facility without a permit." Therefore you are in violation of ORC Section 3734.02(C) for establishing a solid waste facility without a permit.*

d) ORC Section 3745.05(A), which states in part:

*"No person shall operate and maintain a solid waste facility without a license..."*

e) OAC Rule 3745-37-01(A), which states in part:

*"No person shall conduct municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734. of the Revised Code and the Administrative Code rules adopted thereunder..."*

2. Approximately 550-600 scrap tires remain dumped along the northern side of the property near the old barns. The scrap tires include both passenger and semi tires which were found inside and outside of the old dilapidated salt barns (see Figures 3 and 4).

Scrap tires must be properly stored and managed in accordance with Ohio's Scrap Tire regulations pursuant to OAC Rule 3745-27-60. The owner's failure to properly store and handle scrap tires on the property is a violation of OAC Rule 3745-27-60(B)(1), which states in part:

*"The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the tires are stored in accordance with the following standards:*

*Sufficient drainage shall be maintained such that water does not collect in the area where scrap tires are stored."*

Failure to properly store the scrap tires that remain on site is a violation of OAC Rule 3745-27-60(B)(7)(c), which states in part:

*"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."*



Figure 3: Scrap tires in the barn



Figure 4: Scrap Tires located in the barn closest to the north property line

3. Combustible material including wood, weeds and tree debris was present in and around the piles of scrap tires on the property (see Figure 5). This is a violation of OAC Rule 3745-27-60(B)(11), which states in part:

*“Fire breaks shall be maintained to be free of all combustible material including but not limited to weeds, leaves and debris. Fire breaks may include well mowed grass if the fire break also include a gravel or paved fire lane at least twenty-five feet wide”*

The storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure shall be managed in accordance with OAC Rule 3745-27-60(B)(7), which states in part:

*“(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”.*



Figure 5: Tires located behind the barns with brush growing around them

4. Several scrap tires on the property were observed with water in them (see Figure 6). The owner's failure to keep the tires free of water is a violation of OAC 3745-27-60(C)(1)(b) which states in part:

*“Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all time.”*



Figure 6: Tires with water in them located behind the barn

5. I observed three (3) partially buried scrap tires along the southeastern side of the parcel (see Figure 7). The owner/operator's partial burial of tires with soil is a violation of OAC Rule 3745-27-60(B)(5) which states in part:

*"Scrap tires shall not be covered with soil."*



Figure 7: Scrap tire partially buried

Improper storage of scrap tires poses several potential problems for the local residents, environment, and the emergency crews in the area. Scrap tires provide an optimal breeding ground for mosquitoes. Mosquitoes identified at tire piles in Ohio can carry St. Louis Encephalitis, La Crosse Encephalitis, Yellow fever, Dengue Fever and West Nile Virus.

Scrap tires can only legally be hauled in loads of 10 (ten) or fewer scrap tires or in any number by a registered scrap tire transporter (see attached list) in accordance with OAC Rule 3745-27-54(A)(1) which states:

*“Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in Rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in Rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers.”*

**The Ohio Administrative Code (OAC) and the Ohio Revised Code (ORC) specifically prohibit open dumping of solid wastes and illegal disposal of scrap tires.**

- This NOV letter serves to inform you that the solid wastes and scrap tires on your property must be removed (e.g., solid waste in a licensed sanitary landfill and scrap tires at a licensed scrap tire disposal facility) and must be taken to a licensed facility for proper disposal. Receipts documenting proper disposal need to be submitted to Ohio EPA, Southwest District Office, (Attn: Maria Lammers), 401 E. Fifth St., Dayton, Ohio 45402.
- Please provide, at a minimum, a time frame for removal of all debris and an action plan for the removal. The plan must contain the location of the licensed facility where debris will be taken for proper disposal. The plan must also contain milestones projecting completion of work by day and/or week.
- A re-inspection will be scheduled to verify that the clean-up is complete to document your return to compliance.

**Please respond in writing within seven (7) days of receipt of this correspondence regarding your remedy and implementation schedule in regard to the aforementioned violations. Failure to comply with this Notice of Violation will result in escalated enforcement.**

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Compliance with the requirements outlined in this letter shall not relieve you of your obligation to comply with other legal obligations, including, but not limited to, Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Clean Air Act, Comprehensive Environmental Response, Compensation, and Liability Act, or Resource Conservation and Recovery Act remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me at (937) 285-6046.

Sincerely,

A handwritten signature in blue ink that reads "Maria Lammers, R.S." in a cursive style.

Maria Lammers, R.S.

Environmental Specialist II

Division of Materials and Waste Management

ML/tb

cc: Therese Tyson, Miami County Health District