



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

May 9, 2008

**RE: SCRAP TIRE RECOVERY FACILITY
NOTICE OF VIOLATION**

Mark Lewis, President
RRI of Ohio, Inc.
One Gateway Center, Suite 500
420 Ft. Duquesne Blvd.
Pittsburgh, PA 15222

Dear Mr. Lewis:

On April 17, 2008, I (Jarnal Singh), accompanied by Harry Smail of the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) conducted a partial inspection of your Class II Scrap Tire Recovery Facility located at 1165 Brittain Street, Youngstown. The purpose for the inspection was to observe the storage of scrap tires at the facility. We met with and were accompanied by Greg Booker of RRI of Ohio during this inspection.

RRI of Ohio Facility Inspection

During this inspection, we observed that scrap tires stored within the RRI of Ohio tire processing building were stored in compliance with the facility's approved storage areas with the exception of a small pile of tires stored along the eastern wall. As you are aware, tires may only be stored in approved storage areas. Tires stored in unapproved areas of the facility must be relocated into the approved designated storage areas.

Inspection of Buildings Adjoining and Behind the RRI of Ohio Facility

Following our inspection of the tire processing building, we observed tires illegally stored in an adjacent grey colored building located to the east of the RRI of Ohio facility. These tires were allegedly stored in this building awaiting transportation for resale in South America.

We also observed thousands of truck tires stored in another dilapidated building located behind the grey building adjoining the RRI of Ohio facility. Mr. Booker indicated that he was not aware that truck tires were stored in this building, but was aware of the passenger tires stored in the grey building.

As you are well aware, scrap tires may only be stored in the approved temporary scrap tire storage areas identified in the RRI of Ohio scrap tire registration document. The grey-colored building and the dilapidated building located behind the grey building are not areas approved for the storage of scrap tires at this site. All of these scrap tires must immediately be removed from the unapproved storage areas and transported by a scrap tire transporter registered in the State of Ohio to an alternative licensed or registered scrap tire facility.

Storage of scrap tires in the above mentioned buildings/areas is in violation of the following:

- 1) **OAC 3745-27-65(D)(4)** which states in part, *"The owner or operator shall store only scrap tires in the temporary scrap tire storage area."*

In violation of OAC 3745-27-65(D)(4), scrap tires were stored in areas not approved for the temporary storage of scrap tires. Scrap tires, including those to be transported for resale, may only be stored in the approved temporary storage areas. Excess tires, must be immediately removed from the facility by either processing them or by removing them to an appropriately licensed facility.

- 2) **OAC 3745-27-65(F)(3)** which states in part, *"The following requirements apply to the storage of all whole scrap tires in an enclosed building at a scrap tire storage or recovery facility and to the storage of all processed scrap tires in an enclosed building at a scrap tire recovery facility:*

(a) Scrap tire storage piles shall not exceed twenty five hundred square feet in basal area.

In violation of OAC 3745-27-65(F)(a), scrap tire storage piles at this site exceeded twenty five hundred square feet in basal area.

- 3) **OAC 3745-27-65(H)(2)(b)** *"Apply or arrange for the application of a pesticide or larvicide, which is registered for use for mosquito control by the Ohio Department of Agriculture at no greater than thirty-day intervals or other intervals recommended by the manufacturer or formulator. If applying any pesticide as a mosquito control, then mosquito control records shall be maintained at the facility indicating the name, type, amount used per tire, and US 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 roof of the building in which the truck tires were stored was dilapidated and leaking. Tires stored within this building were holding water. These tires must be treated for mosquitoes.

- 4) **OAC 3745-27-15(D)(1)** *"Annually review and analyze the final closure cost estimate and shall make any appropriate revisions to these estimates and to the financial assurance instrument whenever a change in the final closure activities increases the cost of final closure. Any revised final closure cost estimate must be adjusted for inflation as specified in paragraph (D)(2) of this rule."*

Insufficient financial assurance exists for the amount of tires currently stored at this site. RRI must immediately increase its financial assurance at a rate of one dollar per passenger tire and five dollars per truck tire for all tires currently stored at this site (a truck tire is equivalent to 5 PTE per OAC 3745-27-61(C)(2)). In accordance with OAC 3745-27-15(D)(1), please submit a revised final closure cost estimate that includes the newly discovered tires stored at the site.

5) Failure to apply to Ohio EPA for a Modification to the Facility

OAC Rule 3745-27-61(A)(1)(b) states "prior to modifying a facility, an application for a registration certificate to modify the facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office at least ninety days prior to the date on which the owner or operator proposes to modify the facility. "Modification" of a class II scrap tire storage facility or a class II scrap tire recovery facility is defined the same as "modification" is defined for a class I scrap tire storage facility or class I scrap tire recovery facility in paragraph (C)(6) or rule 3745-27-02 of the Administrative Code."

In violation of OAC Rule 3745-27-61(A)(1)(b), RRI of Ohio failed to submit an application to Ohio EPA at least ninety days prior to modifying its class II scrap tire recovery facility by the addition of a class II scrap tire storage facility.

Pursuant to OAC Rule 3745-27-61(B), "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."

In violation of OAC Rule 3745-27-61(B), RRI of Ohio failed to submit an application for and receive a registration certificate from Ohio EPA prior to collection and storage of scrap tires in buildings other than the building housing its class II scrap tire recovery facility.

6) Open Dumping

Under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24) "solid waste" includes scrap tires. Scrap tires must be properly stored and managed in accordance with OAC Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C).

Pursuant to ORC 3734.03 and OAC Rule 3745-27-05(C) state "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

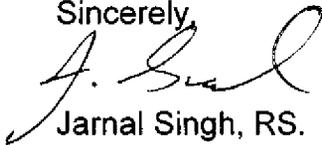
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dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.”

Immediate actions must be taken by you to bring this facility back into compliance. Please submit, within 5 days of your receipt of this letter, a detailed account of all the tires currently stored at this site (include the type, number and location of all the tires). Also indicate what actions have been or are being taken to address the violations. Should you have any questions regarding the above, please do not hesitate to contact me at (330) 963-1276.

Nothing in this letter shall be construed to authorize any waiver from any requirements of applicable state solid waste laws or regulations. This letter shall not be interpreted to release the owner or operator of the facility or others from responsibility under ORC Chapters 3704., 3714., 3734. or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

Sincerely,



Jarnal Singh, RS.
Division of Solid and Infectious Waste Management

JS:cl

cc: Robert Large, DSIWM-CO
Melinda Berry, CMEU-CO
Lt. Frasier, City of Youngstown Fire Department
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