



State of Ohio Environmental Protection Agency

Northeast District Office

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

June 2, 2008

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

CERTIFIED MAIL

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

Dear Mr. Lewis:

On May 15, 2008, I (Jarnal Singh), accompanied by John Hujar of the Ohio Environmental Protection Agency (Ohio EPA) Division of Solid and Infectious Waste Management (DSIWM) conducted a comprehensive inspection of your Class II Scrap Tire Recovery Facility located at 1165 Brittain Street, Youngstown. The purpose for the inspection was to determine compliance with Chapter 3745-27-65 of the Ohio Administrative Code (OAC). Also present for this inspection was Lt. Sharyl Frasier of the City of Youngstown Fire Department. We met with and were accompanied by Greg Booker of RRI of Ohio (RRI) during this inspection.

As you are aware, on April 17, 2008, Ohio EPA discovered (as documented in Ohio EPA's May 9, 2008, Notice of Violation letter), thousands of truck tires illegally stored in buildings not authorized for the storage of tires at this site. Additional scrap tires were discovered during a subsequent April 24, 2008, visit in an adjacent building located to the west of the RRI building.

RRI has been conducting removal activities of the illegally stored tires by either processing and/or removing them to an alternate appropriately licensed scrap tire recovery facility. All tires previously stored in the dilapidated building located to the east of the RRI building had been removed from that building. Approximately 3000 truck tires had been transported to the alternate facility since Ohio EPA's April 17, 2008, inspection. Tires removed from the facility were documented on scrap tire shipping papers. It was estimated that approximately 2000 truck tires remain stored in the building located to the west of the RRI facility and an additional 200 truck tires remained stored in the red brick loading dock building located to the east of the RRI building. An additional estimated 2000 passenger tires ('called' tires) remained stored in the blue/grey building located to the east of the RRI building. A trailer parked besides the west building also contained an estimated 50 truck tires.

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. Tires stored in the above identified buildings are not stored in areas approved for the temporary 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 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) **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."*

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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.

4) **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 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.

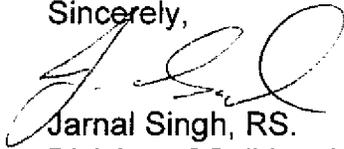
Immediate actions must be taken by you to bring this facility back into compliance. Please submit, within 5 days of your receipt of this letter, a detailed account of all the tires currently stored at this site (include the type, number and location of all the tires). Also indicate what actions have 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,

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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
Brenda Williams, City of Youngstown Building Dept.
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