



State of Ohio Environmental Protection Agency

Northeast District Office

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

July 15, 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 June 30, 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). 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 thousands of truck tires illegally stored in buildings not authorized for the storage of tires at this site (as documented in Ohio EPA's May 9, 2008, Notice of Violation letter). Additional scrap tires were discovered in an adjacent building located to the west of the RRI building during a subsequent April 24, 2008, visit to the site.

RRI continues to conduct removal activities of the illegally stored scrap tires. All tires previously stored in the dilapidated building located to the east of the RRI building, have been removed from that building. Approximately 200 truck tires (still on rims) however, remained in the red bricked loading dock located to the east of the RRI building; approximately 500 off-road tires remained in the building located to the west of the RRI building, and an additional 600 or so, passenger tires ('called' tires) remained in the blue/grey building located to the east of the RRI 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. Tires stored in the above identified buildings, are not stored in areas approved for the temporary storage of scrap tires at this site. All tires not stored in compliance with the facility's registration document must immediately be removed from those areas and transported (by an Ohio EPA registered transporter) to an alternative licensed or registered scrap tire facility.

- 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."*

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) "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."

5) **ORC 3734.83(A)** which states in part, "*Except as provided in division (D) of this section, no person shall transport scrap tires anywhere in this state unless the business or governmental entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection*" and,

OAC 3745-27-54(B) which states in part, "*An application for an annual registration certificate as required by section 3734.83 of the Revised Code, shall be submitted to and approved by the director, before the transportation of scrap tires is begun.*"

RRI's scrap tire transporter's registration expired April 30, 2008. A renewal application was not submitted to Ohio EPA for the succeeding year. RRI however continues to transport scrap tires using the expired transporter's license. Scrap tires that have been transported since May 1, 2008, by RRI or any other entity using RRI's registration, have been done so in violation of ORC 3734.83(A) and OAC 3745-27-54(B). RRI, and/or any other entity using RRI's scrap tire transporter registration, must immediately cease transporting scrap tires within the state of

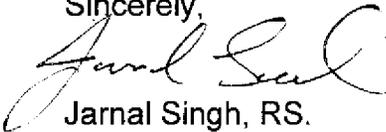
Ohio. All scrap tires transported to and from the facility (unless a specific exemption applies) must be transported by an Ohio EPA registered scrap tire transporter.

Mark Lewis, President
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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
Brenda Williams, City of Youngstown Building Department
Ed Page
Deputy W. Walker, Mahoning Co. Sheriff's Department
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