



State of Ohio Environmental Protection Agency

Northeast District Office

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

September 24, 2007

**RE: COLUCCI SCRAP TIRES
NOTICE OF VIOLATION**

Mr. John Colucci
Accurate Iron & Metal
2007 State Road
Ashtabula, Ohio 44004

Dear Mr. Colucci:

On July 23, 2007, Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Accurate Iron & Metal (formally North Coast Auto Crushing) at 2007 State Road, Ashtabula, in Ashtabula County. Harry Smail, Karen Morr, and I represented Ohio EPA Division of Solid and Infectious Waste Management (DSIWM) during the inspection. Your wife, Patricia was present at the time of the inspection and you granted us access to the property via a phone conversation. The purpose of the inspection was to determine if the facility is in compliance with Ohio Administrative Code Chapters 3745-27 and 3745-37, and Ashtabula County Board of Health board orders.

Upon inspection, it appeared that nearly half of the scrap tires have been removed from the property and Ohio EPA recognizes your efforts taken to remove and properly dispose of the scrap tires. The owner(s) of this property, however, remain in violation of these rules for disposal of scrap tires onto the ground. The scrap tires are a nuisance since the tires are deposited in large piles with little or no fire lane access. Therefore, the owners of the property are in violation of the following:

1. **Ohio Revised Code (ORC) Section 3734.03** states in pertinent part that, *"No person shall dispose of solid wastes by open burning or open dumping . . ."* and **Ohio Administrative Code (OAC) Rule 3745-27-05(C)** states that *"No person shall conduct, permit, or allow open dumping."*

For the purposes of this rule OAC 3745-27-01(O)(4)(b) defines "open dumping" as the following:

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.

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2. **OAC Rule 3745-27-60(B)(6)(a)** states, in part, that the storage of scrap tires in any amount outside shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless the *"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"* and **OAC Rule 3745-27-60(B)(6)(f)** states, in part, that the storage of scrap tires in any amount outside shall be deemed a nuisance, a hazard to public health or safety, or fire hazard unless there are *"Sufficient fire lanes shall be maintained to allow access of emergency vehicles at all times to and around the scrap tire storage piles and areas."*

The owner(s) of the property must properly manage existing tires from breeding mosquitoes or from becoming a fire hazard, as well as continue to remove the scrap tires placed on the property and arrange for their transportation, by a registered scrap tire transporter, to an appropriately licensed solid waste facility.

Ashtabula Board Order Violations

Board Orders dated July 21, 2002, states, in part, that the owner of this property is responsible for "(5) Removal and disposal of waste tire at an approved disposal facility which results in a net reduction of 10,000 waste tires on your property by January 1, 2003. (6) Removal and disposal of waste tires on your property at an approved disposal facility which results in a net reduction of 10,000 waste tires per year."

The owner of this property is in violation of this Board Order due failure to remove 10,000 scrap tires by January 2, 2003, and a net reduction of 10,000 waste tires per year. The owner(s) of the property must form fire lanes, and then remove the scrap tires placed on the property and arrange for their transportation, by a registered scrap tire transporter, to an appropriately licensed solid waste facility.

February 12, 2004, orders the owner/operator of this property to do the following by September 15, 2004:

1. Remove and dispose of all scrap tires at a scrap tire disposal facility licensed under the Ohio Administrative Code 3734.81 of the Ohio Revised Code by September 15, 2004;
2. Arrange for a registered scrap tire transporter to transport all scrap tires to a scrap tire disposal facility licensed under the Ohio Administrative Code ... by September 15, 2004;

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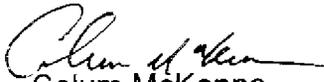
3. Submit receipts from a registered scrap tire transporter to the Ashtabula County Health Department by September 22, 2004 which indicates the weight, volume and number of scrap tires received;
4. Submit monthly progress reports to the Ashtabula County Health Department to document scrap tire removal. This monthly report must be received by the Ashtabula County Health Department no later than ten (10) days following the completion of the previous month;
5. Implement mosquito control measures at your property (2007 State Road, Ashtabula Township) in accordance with the provisions of the Ohio Administrative Code 3745-27-60(B);
6. Establish, by August 14, 2004, storage piles and fire lanes at your property in accordance with the Ohio Administrative Code 3745-27-60(1) through (6)."

The owner(s) of the property must continue to remove the scrap tires placed on the property and arrange for their transportation, by a registered scrap tire transporter, to an appropriately licensed solid waste facility.

Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the Entity from responsibility under Chapters 3704., 3714., 3734., or 6111. of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please contact me at (330) 963-1268.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Solid and Infectious Waste Management

CM:cl

cc: Harry Smail, DSIWM-CO
Ray Saporito, Ashtabula County Health Department
File [TUKEL/TIRE/Collucci Scrap Tire/COR/04]