



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 5, 2007

**RE: SCRAP TIRE TRANSPORTER
NOTICE OF VIOLATION**

Mr. Robert Hartley, Sr.
B & L Tire Company
175 East Mapledale Avenue
Akron, Ohio 44301

Dear Mr. Hartley:

Ohio Environmental Protection Agency (Ohio EPA) and Barberton Health Department inspected B & L Tire Company on February 28, 2007, as part of the review process for B & L Tire Company's application for renewal of its scrap tire transporter registration for 2007. This letter provides a notice of violations identified during the inspection.

B & L Tire Company is a tire retailer and registered scrap tire transporter, located at 5185 West Wooster Road, Norton, in Summit County. Present for the inspection were yourself, representing B & L Tire, Mike Meusel representing Barberton Health Department, and I, representing Ohio EPA. The violations and comments are below.

Violations

1. B & L Tire is in violation of **Ohio Administrative Code (OAC) 3745-27-56(B)(3)** and **OAC 3745-27-57(D)** for not properly completing the scrap tire shipping papers. Ohio EPA and Barberton Health Department reviewed B & L shipping papers during the February 28, 2005 inspection. Although most of the shipping papers were adequate, some of the three-part shipping papers (the pink copies) did not have section A completed. Section A includes providing an estimate of the number of scrap tires in the load and the percent of passenger tires and percent of truck tires in the load prior to shipping.

To achieve compliance, you must complete all sections, including Section A, of future scrap tire shipping papers.

2. Inside the warehouse area, there were hundreds of tires in stacks. The aisles between the groups of stacked tires were less than eight feet. The largest tire pile in the warehouse should have an eight-foot wide aisle on the south and east sides. **OAC 3745-27-60(B)(7)(b)** states in part, "... scrap tires in a building . . . the width of aisles between scrap tire storage piles shall be at least eight feet . . ."

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To comply with the above rule, the largest tire pile must be rearranged so that there are eight-foot wide aisles on the south and east sides of the tire pile. The aisles or "fire lanes" should be kept free of tires and equipment.

Comments

1. At least 30 scrap tires were on the ground in the scrap tire handling area. Ohio EPA reminds B & L Tire that scrap tires must be off the ground and in trailers by the end of the work day. OAC 3745-27-56(C)(3) states in part,

 ". . . sort scrap tires and transfer the scrap tires between trailers at a scrap tire handling area designated for sorting operations in the approved transporter's registration. Scrap tires may be transferred between trailers or vehicles to consolidate loads or to sort scrap tires only if the following conditions are met:

 (a) Scrap tires will not remain outside of a covered trailer or vehicle beyond the end of the current work shift.

 (b) Scrap tires will not remain in this area in covered trailers or vehicles for more than thirty days . . ."
2. The B & L Tire building has a warehouse and several smaller rooms containing tires. The drop ceiling and insulation are falling down in several of the smaller rooms. There were two empty gasoline containers and gasoline odor in the hallway. In the warehouse, there were tire inner tubes lying on top of what appeared to be electric extension cords. Ohio EPA recommends repair and maintenance of the inside of the B & L building to eliminate potential fire hazards.
3. Regarding Violation 2 above: B & L Tire may want to mark the eight-foot wide fire lanes on the floor, using tape or paint. Ohio EPA recommended marking the fire lanes with paint or tape in order to keep the lanes free of tires and equipment.

Ohio EPA cannot renew your scrap tire transporter registration until B & L Tire Company has corrected the violations noted above. We agreed to a reinspection in three weeks (March 23, 2007).

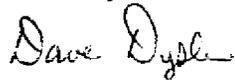
Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release B & L Tire Company from responsibility under Chapters 3704, 3714, 3734, or 6111

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of the Ohio Revised Code or under the Federal Clean Water or Comprehensive Environmental Response, Compensation, and Liability Acts for remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Solid and Infectious Waste Management

DD:cl

cc: Brian Dearth, DSIWM, CO
Mike Meusel, Barberton Health District
File: [Sowers/TIRE/B & L Tire/COR/77]