



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
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CERTIFIED MAIL

March 31, 2010

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

**RE: SCRAP TIRE RECOVERY FACILITY COMPREHENSIVE INSPECTION
NOTICE OF VIOLATION (NOV)**

Dear Mr. Lewis:

On March 30, 2010, I attempted to conduct a comprehensive inspection of the Class II Scrap Tire Recovery Facility (Facility) and adjacent buildings located at 1165 Brittain Street, Youngstown (Mahoning County), Ohio (Property). The purpose for the inspection was to determine compliance with Ohio Administrative Code (OAC) Rule 3745-27-65 and Ohio's open dumping laws. Deputy Jeanette Piper, Mahoning County Sherriff's Department, was also present for the inspection.

When we arrived at the facility there was no one present and the gate was locked. Prior to this date, on March 22, 2010, I contacted Mr. Ken Fair and informed him that Ohio EPA needed to have access to the Facility in order to conduct the 3rd Quarter FY2010 inspection. Unfortunately, I was never able to coordinate access through Mr. Fair.

Since Ohio EPA was unable to conduct the 3rd Quarter FY2010 inspection, compliance with OAC Rule 3745-27-65, Ohio's open dumping laws and previous NOV's could not be verified. Therefore, RRI of Ohio continues to be in violation of the following rules, specified in the last two NOV's, dated December 30, 2009 and January 13, 2010:

Storage:

1. **OAC Rule 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 whole scrap tires. Scrap tires, including those to be transported for resale, may only be stored in the approved temporary storage areas. Tires stored out of compliance must be immediately moved to the proper scrap tire storage area.

Mandatory Closure:

2. **OAC Rule 3745-27-66(C)** states, in part, “[i]n closing the facility, the owner or operator implementing the closure shall do the following:
- (1) Not less than sixty days prior to the anticipated date upon which the [facility] will cease to accept scrap tires, provide written notice...to all of the following:
 - (a) The single or joint solid waste management district...in which the facility is located or which is served by the facility;
 - (b) The board of Health in which the facility is located;
 - (c) The local fire department; and,
 - (d) The director [of Ohio EPA].
 - (2) At the time the...facility has ceased to accept scrap tires, the facility owner or operator shall post signs in such a manner as to be easily visible at all entrances to the facility, stating that the facility is closed for all scrap tire activities.
 - (3) Not later than thirty days after a scrap tire...recovery facility has ceased to accept scrap tires, the facility owner shall do the following:
 - (a) Remove all scrap tires;
 - (b) Remove any solid waste remaining on site and dispose of them at a facility authorized to dispose of such waste;
 - (c) Clean all areas of the facility and any appurtenances; and,
 - (d) Submit the final annual report for the facility, as required by paragraph (J)(3) of OAC Rule 3745-27-65, to the director.

RRI of Ohio was required to cease acceptance of scrap tires at the Facility and begin implementing closure of the Facility as of November 2, 2009. RRI of Ohio was also required under OAC Rule 3745-27-66(C)(3) to remove all scrap tires and solid waste thirty days after ceasing acceptance of scrap tires, or thirty days after Ohio EPA's November 2, 2009 final license denial at the very latest. RRI of Ohio's failure to implement closure activities and remove scrap tires and solid waste from the Facility by December 2, 2009 is a violation of OAC Rule 3745-27-66(C) and Ohio EPA's November 2, 2009 final license denial, Order 2.

Open Dumping:

3. **ORC Section 3734.03** states, in part, that “[n]o person shall dispose of solid wastes by open burning or open dumping....”

CLASS II SCRAP TIRE RECOVERY FACILITY

MARCH 31, 2010

PAGE – 3 –

OAC Rule 3745-27-05(C) states that “[n]o 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 the Property back into compliance. Please submit, within 15 days of your receipt of this letter, a response that indicates what actions have been or are being taken to address the violation. Also, please submit receipts for the transport and disposal of the processed tire shreds that have been removed from the Facility.

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.

Should you have any questions regarding the above, please do not hesitate to contact me at (330) 963-1103 or joshua.adams@epa.state.oh.us.

Sincerely,



Joshua D. Adams
Environmental Specialist
Division of Solid and Infectious Waste Management

JDA:ddw

cc: Robert Large, DSIWM, CO
Melinda Berry, DSIWM, CO
Harry Smail, DSIWM, CO
Andrea Smoktonowicz, Legal, CO
Lieutenant Sharyl Frasier, City of Youngstown Fire Department
Brenda Williams, City of Youngstown Building Department.
Deputies J. Piper and W. Walker, Mahoning County Sheriff's Department
Ken Fair and Ed Page, RRI of Ohio, Inc.

file: tire/RRIofOhio/cor/50