

**Environmental
Protection Agency**

Paul R. Schwab, Governor
Robert F. Sprague, Lt. Governor
John P. Bland, Director

July 30, 2010

CERTIFIED MAIL

Mr. Ronald Heskett
General Manager
Liberty Tire Services of Ohio, LLC
14864 Lincoln Street, S.E.
Minerva, OH 44657

**RE: LIBERTY TIRE MONOFILL, STARK COUNTY
2009 ANNUAL OPERATIONAL REPORT
NOTICE OF VIOLATION (NOV), NO FURTHER ACTION**

Dear Mr. Heskett:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the document *Annual Operational Report for 2009* for the Liberty Tire Services of Ohio, LLC (Facility) Tire Monofill located at 14864 Lincoln Street, S.E., Minerva, OH 44657. The document is dated March 2010 and was received at Ohio EPA Northeast District Office (NEDO) on July 28, 2010.

Ohio EPA has reviewed the annual report to determine compliance with Ohio Administrative Code (OAC) Rule 3745-27-75(M). Upon review of the July 28, 2010, submittal Ohio EPA has determined that the Facility is in violation of the following:

1. **Ohio Administrative Code (OAC) Rule 3745-27-74(A)(5)(a)** states, in part, that "*[p]ost-closure care activities for a scrap tire monofill facility shall include...submitting a report to the appropriate Ohio EPA district office and approved health department not later than the first day of April of each year....*"

The Facility submitted an annual report to Ohio EPA Central Office (CO) but not to NEDO, which is the "appropriate Ohio EPA district office" mentioned in the rule. Since an annual report was not submitted to NEDO by April 1, 2010, the Facility is in violation of the rule. However, since the Facility submitted the report on July 28, 2010, there are no further actions required by the Facility to address the violation. Please be sure to submit future annual reports to Ohio EPA NEDO as well as Stark County Health Department.

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 owner or operator of Liberty Tire Services, LLC, or others, from responsibility

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under Chapters 3704., 3714., 3734., or 6111. of the ORC 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 there are any questions please contact me at joshua.adams@epa.ohio.gov or (330) 963-1103.



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

JDA:cl

cc: Kirk Norris, Stark County Health Department
Fanny Haritos, DSIWM-CO
File: [Sowers/Tire/Liberty Tire Monofill/Ann/76]
DSIWM# 3041