



State of Ohio Environmental Protection Agency

Northeast District Office

2110 East Aurora Rd.
Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

March 30, 2009

CERTIFIED MAIL

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 11, 2009, I conducted a comprehensive inspection of the Class II Scrap Tire Recovery Facility (Facility) and adjacent buildings located at 1165 Brittain Street, Youngstown (Mahoning County), Ohio (the 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. Jarnal Singh of the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) was also present for the inspection. We were met with and accompanied by Greg Booker of RRI of Ohio, Inc. (RRI) during this inspection.

During the inspection, it was noted that approximately 200 truck tires (still on rims) remained in the red brick loading dock located to the east of the facility. In addition a large, unauthorized tire shred pile, approximately 170' L x 18' W x 10' H, was located to the north of the authorized tire shred pile. At the time of the inspection, Mr. Booker was in the process of loading the shreds into containers. These shreds were then scheduled to be hauled to Liberty Tire, in Minerva, Ohio. Upon review of the records kept on site, it was noted that approximately 125 tons of tire shreds had been sent to Liberty Tire since February 11, 2009.

As you are well aware, scrap tires and tire shreds may only be stored in the approved temporary scrap tire storage areas identified in the RRI of Ohio, Inc. scrap tire registration document. Tires and shreds stored in the above-identified buildings on the Property and within the Facility are not being stored in areas approved for the temporary storage of scrap tires and shreds. All tires not stored in compliance with RRI's scrap tire 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. All tire shreds not stored in compliance with RRI's scrap tire registration document must immediately be removed from those areas and transported off site by an Ohio EPA registered transporter.

Storage of scrap tires in the above-mentioned buildings is in violation of the following:

- 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 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 buildings not authorized for storage on the Property by either processing them or by transporting them to an appropriately licensed facility. Excess tire shreds must be immediately removed from the buildings and areas not authorized for storage in the Facility by and appropriately licensed transporter.

- 2) **OAC Rule 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), processed scrap tire storage piles at this Property 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... 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 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 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.

Mr. Mark S. Lewis, President
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4) **Open Dumping**

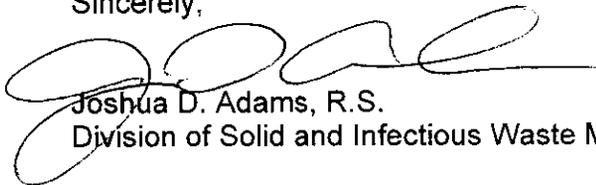
Under Ohio Revised Code (ORC) Section 3734.01(E) and OAC Rule 3745-27-01(S)(24) "solid waste" includes scrap tires. Scrap tires must be properly stored and managed in accordance with OAC Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C).

Pursuant to ORC Section 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.

Immediate actions must be taken by you to bring the Property back into compliance. Please submit, within 5 days of your receipt of this letter, a detailed account of all the tires currently stored at the Property (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) 963-1103.

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,



Joshua D. Adams, R.S.
Division of Solid and Infectious Waste Management

JDA/cl

cc: Robert Large, DSIWM-CO
Melinda Berry, CMEU-CO
Harry Smail, CRO-CO
Andrea Smoktonowicz, Legal
Lieutenant Sharyl Frasier, City of Youngstown Fire Department
Brenda Williams, City of Youngstown Building Department.
Ed Page, RRI of Ohio, Inc.
Deputy W. Walker, Mahoning County Sheriff's Department
File:[Sowers/Tire/RRlofOhio/COR/50]

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Sent To: Mark Lewis
 Street, Apt. No. or PO Box No. RRI 701e
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

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<p>1. Article Addressed to:</p> <p>Mark Lewis, President RRI of Ohio, Inc. One Gateway Center, Suite 500 420 Ft. Duquesne Blvd. Pittsburgh, PA 15222</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
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