



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 25, 2008

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

CERTIFIED MAIL

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 District inspected B & L Tire Company on March 13, 2008 as part of the review process for B & L Tire Company's application for renewal of its scrap tire transporter registration for 2008. 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 you, representing B & L Tire, Mike Meusel representing Barberton Health District, 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 District reviewed B & L Tire shipping papers during the inspection. Although most of the shipping papers were adequate, some of the three-part shipping papers (the pink copies) and two-part shipping papers 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, B & L Tire must ensure that all required sections, including Section A, of the shipping papers are completed.

2. B & L Tire is in violation of **OAC 3745-27-57(E)(3)** for not keeping all shipping papers available at the facility. You indicated that some of the recent completed shipping papers were at home. The aforementioned rule states in part, "*All shipping papers shall be retained at the principal place of business and shall be available for inspection during normal business hours by Ohio EPA or the local health department.*"

To achieve compliance, B & L Tire must store all shipping papers at the B & L Tire facility.

3. 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 . . .*”

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.

4. In the small furnace room, scrap tires were stacked next to the furnace. **OAC 3745-27-60(B)(8)(e)** states in part, “. . . *Clearances from the top of scrap tire storage piles to unit heaters, radiant space heaters, duct furnaces, and flues shall be at least three feet in all directions, and shall be in accordance with the clearance distances recommended by the equipment manufacturer.*”

During the inspection, Ohio EPA requested that the tires be removed from the furnace room. You removed the tires from the furnace room. To remain in compliance, B&L Tire must comply with the above rule.

In addition, there was an uncapped container of gasoline in another room that also contained stacks of tires. The room had a noticeable odor of gasoline and was approximately 40 feet from the furnace room. Ohio EPA requested capping the gasoline container or removing the container from the building. You removed the container from the building. To remain in compliance, B&L Tire must not store uncapped gasoline containers near stacks of tires and the furnace.

Lastly, regarding fire prevention, there were oily rags, spilled oil, old engine parts and empty gasoline containers on the floor in the front room/office area. This room also contains stacked tires. Ohio EPA recommends that B&L Tire remove spilled oil and oily rags and debris from the indoor tire storage areas.

5. In several of the smaller rooms that contain stacks of tires, the stacks of tires were less than three feet from the ceiling. **OAC 3745-27-60(B)(8)** states in part, “. . . *Clearances in all directions from the top of scrap tire storage piles to roof structures shall be at least three feet.*”

To comply with the above rule, B&L Tire must keep at least three feet of clearance from the top of stacked tires to the ceiling.

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Comments

1. At least 200 scrap tires were outside on the ground and not under a roof. 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,

“ . . . Scrap tires may be transferred between trailers or vehicles 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 at the transporter’s business location 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 at least 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 3 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.

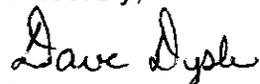
Ohio EPA cannot renew your scrap tire transporter registration until B & L Tire Company has corrected the violations noted above. We agreed to a reinspection on or about March 31, 2008.

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 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.

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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]

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Sent To *Robert Hartley Sr*

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