



State of Ohio Environmental Protection Agency

Northeast District Office

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

March 24, 2008

RE: NOTICE OF VIOLATION

CERTIFIED MAIL

Mr. Jess Lightner
Lightner Tire Company
780 East Waterloo Road
Akron, Ohio 44306

Dear Mr. Lightner:

This letter provides a notice of violation regarding outdoor tire storage at Lightner Tire, a registered scrap tire transporter, retreader and retail tire facility, located at 780 East Waterloo Road, Akron, in Summit County.

On March 12, 2008, Ohio Environmental Protection Agency (Ohio EPA) observed the violation during a facility inspection to determine compliance with scrap tire transporter registration requirements. During the inspection, you represented Lightner Tire, and I represented Ohio EPA.

Lightner Tire has stacks of uncovered tires located outside in several areas of the facility property. There were at least 4,000 tires stored outside. Approximately 75% of the outdoor tires are truck tires. There were also approximately 50 semi-trailers. You indicated that the trailers were 60% full of tires.

As a tire retreader, Lightner Tire qualifies for a tire storage exemption. Ohio Administrative Code (OAC) 3745-27-61(A)(3)(a) states in part, "*Scrap tire storage facility exemptions . . . the requirement to obtain a scrap tire storage facility registration certificate does not apply to the following: . . . any of the premises listed in paragraph (A)(2) of this rule.*"

OAC 3745-27-61(A)(2)(b) states in part, "*The premises of a tire retreading business, tire manufacturing finishing center, or tire adjustment center on which is located a single, covered scrap tire storage area at which no more than four thousand scrap tires are stored or in a manner otherwise, authorized by the director.*"

Violation

Lightner Tire is in violation of OAC 3745-27-61(A)(2)(b) because the facility has more than one outdoor tire storage pile. The tire pile shall not exceed 4,000 tires. In order to comply with the above rule, Lightner Tire must store outdoor tires in a single, covered scrap tire storage area that contains no more than four thousand scrap tires. Ohio EPA is currently considering how scrap tire storage requirements apply to the scrap tire storage occurring at your facility. As soon as a decision is reached, you will be informed.

Mr. Jess Lightner
Lightner Tire Company
March 24, 2008
Page 2

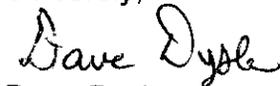
Comments

1. When rearranging the tires, please keep in mind the general setbacks for outdoor tires and tires in trailers. The tires must be at least 15 feet of Lightner Tire buildings, pursuant to OAC 3745-27-56(C)(6).
2. Trailers containing tires cannot be stored at locations other than the transporter's registered business location, pursuant to OAC 3745-27-56(C)(6)(c).
3. Lightner Tire must take appropriate action to prevent the spread of mosquitoes, pursuant to OAC 3745-27-56(C)(7). It would be best for Lightner Tire to cover the outdoor tires to prevent rainwater from accumulating in the tires.
4. The outdoor tire storage pile shall comply with the requirements described in OAC 3745-27-60(B)(6). This includes the maintenance of a fire lane around the outdoor tire storage pile.
5. Some of the scrap tire shipping papers had a preshipment estimate of tires that was listed as "trailer." You indicated that this refers to a full semi-trailer. However, there are different sizes of semis used by Lightner Tire. If this method of estimating the tire load is used, then the preshipment estimate needs to indicate the size of the semi-trailer and indicate if the trailer was full or half full, etc. In general, the scrap tire shipping papers should include a more accurate estimate of tires written on the shipping paper before the tires are transported.

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 Lightner 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.

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: Robert Large, DSIWM, CO Darrick Willis, Summit County Health Department
Brian Dearth, DSIWM, CO File: [Sowers/TIRE/Lightner Tire/GEN/77]

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Sent To *Jess Lightner*

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or PO Box No. *Lightner Tire Co*

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