



State of Ohio Environmental Protection Agency

Northeast District Office

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Lee Fisher, Lieutenant Governor
Chris Korleski, Director

February 5, 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
NOTICE OF VIOLATION (NOV)**

Dear Mr. Lewis:

On December 29, 2008, 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. John Hujar, Jarnal Singh, and Harry Smail of the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) were also present for the inspection. We were met with and accompanied by Ed Page, Ken Fair, and Greg Booker of RRI of Ohio, Inc. (RRI) during this inspection.

On December 31, 2008, I also conducted a partial compliance inspection of the facility and adjacent buildings at the Property. The purpose for this inspection was also to determine compliance with OAC Rule 3745-27-65 and Ohio's open dumping laws. Jennifer Carlin and Lynn Sowers of Ohio EPA, DSIWM were also present for the inspection. We were met with and accompanied by Greg Booker of RRI during this inspection.

As you are aware, on November 20, 2007, Ohio EPA, DSIWM discovered a considerable amount of truck tires illegally stored in areas at the facility not approved for temporary storage (as documented in Ohio EPA, DSIWM's November 30, 2007 and January 18, 2008 NOV's). On April 17, 2008, while RRI returned to compliance with regard to scrap tires stored at the facility (with the exception of a small pile), Ohio EPA, DSIWM discovered thousands of truck tires illegally stored in buildings, other than the facility, not authorized for the storage of tires at the Property (as documented in Ohio EPA, DSIWM's May 9, 2008, and June 2, 2008 NOV's). Additional scrap tires were discovered illegally stored in an adjacent building located to the west of the facility during a subsequent April 24, 2008 visit to the Property.

Both the May 9, 2008 and the June 2, 2008 NOV's stated all of these scrap tires located in these buildings not authorized for storage at the Property must be removed and transported by a scrap tire transporter registered in the State of Ohio to an alternative licensed or registered scrap tire

Mr. Mark S. Lewis, President
RRI of Ohio, Inc.
February 5, 2009
Page 2

facility. The June 2, 2008 NOV noted that RRI had been conducting removal activities of the illegally stored tires in buildings not authorized for the storage at the Property, but that tires remained. Likewise, in her NOV dated October 24, 2008, Katharina Snyder of Ohio EPA, DSIWM reaffirmed that RRI continued to conduct removal activities of the illegally stored scrap tires but that approximately 400 tires (some still on rims) remained scattered about the adjacent buildings at the Property.

As of the December 29, 2008 inspection, it was noted that RRI had ceased removal activities of the illegally stored scrap tires at the Property. Although some of the scrap tires previously stored in the dilapidated building located to the east of the facility had been removed from that building, approximately 200 truck tires (still on rims) remained in the red brick loading dock located to the east of the facility [see Appendix A: Picture 1], approximately 200 off-road tires remained in the building located to the west of the facility [see Appendix A: Pictures 2 and 3], and approximately 150 passenger tires remained in the blue/grey building located to the east of the facility [see Appendix A: Pictures 4 and 5]

Upon completion of the December 31, 2008 inspection, it was noted by Ohio EPA, DSIWM that RRI had once again begun removal activities of the illegally stored scrap tires at the Property. Approximately 200 truck tires (still on rims) remained in the red brick loading dock located to the east of the facility and approximately 50 off-road tires remained in the building located to the west of the facility [see Appendix A: Picture 6]. However, RRI was in the process of removing these remaining 50 off-road tires, and the passenger tires in the blue/grey building located to the east of the facility had been removed.

In addition to the illegally stored scrap tires throughout the Property, during both of the inspections of the Facility on December 29 and 31, 2008, a large, unauthorized tire shred pile, approximately 190' L x 18' W x 10' H, was identified located to the north of the authorized tire shred pile [see Appendix A: Picture 7].

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 offsite 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 along with a non-refundable application fee of fifteen dollars 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
RRI of Ohio, Inc.
February 5, 2009
Page 4

4) **Open Dumping**

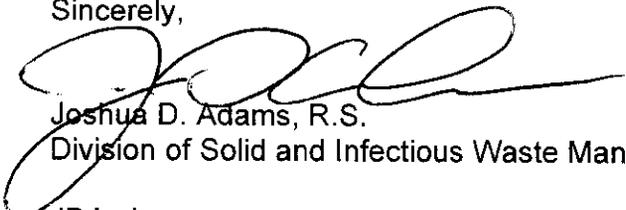
Under Ohio Revised Code (ORC) Section 3734.01(E) and OAC Rule 3745-27-01(S)(24) "solid waste" includes scrap tires. Scrap tires must be properly stored and managed in accordance with OAC Rule 3745-27-60. Improper storage of scrap tires is considered open dumping of solid waste and is a violation of ORC 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
Harry Smail, CRO-CO
Ed Page, RRI of Ohio, Inc.
Lieutenant Sharyl Frasier, City of Youngstown Fire Department
Brenda Williams, City of Youngstown Building Department.
Deputy W. Walker, Mahoning County Sheriff's Department
Melinda Berry, CMEU-CO
Andrea Smoktonowicz, Legal
File: [Sowers/Tire/RRIofOhio/COR/50]