



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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www.epa.state.oh.us

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

March 11, 2008

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

CERTIFIED MAIL

Ms. Vicki L. Seward
Booth Tire
781 Dresden Ave.
East Liverpool, Ohio 43920

Dear Ms. Seward:

On March 5, 2008, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of Booth Tire, located at 777 and 781 Dresden Avenue, East Liverpool, Ohio. Columbiana County Auditor's records indicate that you are the owner of the aforementioned properties. The purpose of this inspection was to determine compliance with Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745-27 of the Ohio Administrative Code (OAC), as they pertain to the storage and handling of scrap tires.

The following violations were observed during this inspection:

1. **Storage of Scrap Tires:** Ohio EPA observed a large number of scrap tires piled outside and behind the building at 777 Dresden Avenue and between that building and the building at 781 Dresden Avenue. The number of scrap tires piled outside the buildings was estimated to number approximately 300 – 500. Scrap tires were also observed piled inside the building at 777 Dresden Avenue. Due to the fact that the scrap tires were piled in front of the doorway at 777 Dresden Avenue, and the building appeared to be unsafe to access as some demolition of the structure appeared to have been started, I could not enter the structure in order to conduct a thorough inspection.

The owner(s) of the property(ies) where the scrap tires were observed piled both inside and outside of the above described buildings is in violation because the scrap tires are not stored in accordance with the applicable regulations. The storage of scrap tires at this location is a violation of the following:

- A. **OAC Rule 3745-27-60(B)(7):** *The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure:*

(b) *Scrap tire storage piles shall not exceed eight feet in height.*

- (c)** *Scrap tires storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles.*
 - (e)** *Sufficient fire breaks shall be maintained to allow access of emergency vehicles at all times to, around, and between the scrap tire storage piles and areas.*
- B. OAC Rule 3745-27-60(B)(8): *The storage of scrap tires in any amount outside or inside a trailer, vehicle, or building is deemed a nuisance, a hazard to public health or safety, or fire hazard unless the scrap tires are stored in accordance with the following standards...The following requirements apply to the storage of scrap tires in a building or covered structure:***
- (a)** *Individual scrap tire storage piles shall not exceed two thousand five hundred feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code. Scrap tire storage piles shall include any area where scrap tires are stored in racks, stacks, or piles. The two thousand five hundred square feet basal area shall apply to multiple racks not separated from other racks, piles, or structures by at least eight feet.*
 - (b)** *The width of aisles between scrap tire storage piles shall be at least eight feet.*
 - (c)** *The clearance from the top of scrap tire storage piles to sprinkler deflectors shall be at least three feet.*
 - (d)** *Clearances in all directions from the top of scrap tire storage piles to roof structures shall be at least three feet.*
 - (e)** *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.*

In order to return to compliance with all applicable laws and regulations, the owner(s) of this property(ies) must immediately either bring the storage of scrap tires at these locations into compliance with the above regulations, or remove all scrap tires from this property(ies) and transport them via a scrap tire transporter which is registered with the State of Ohio, to a scrap tire disposal facility which is authorized by the State of Ohio.

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Please submit disposal receipts for all scrap tires which are removed from this property(ies), as well as documentation showing who transported the scrap tires from this property(ies) and to where the scrap tires were transported.

Failure to correct the above violations will result in escalated enforcement action being taken against the owner(s) of this property(ies) by Ohio EPA.

For your convenience, you can view Ohio EPA's scrap tire rules at the following website address: <http://www.epa.state.oh.us/dsiwm/pages/3745-27.html>.

Please respond to this letter, in writing, within 15 days of its receipt. Please include in your letter the steps that have been taken to comply with the violations cited in this letter. Please submit your letter, along with all scrap tire disposal and transportation receipts, if applicable, to the following address:

Jerry W. Weber
Ohio EPA
Northeast District Office
2110 East Aurora Road
Twinsburg, Ohio 44087

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 you, or others, 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 remedying conditions resulting from any release of contaminants to the environment.

If you have any questions regarding this letter, please feel free to contact me at (330) 963-1274, or preferably, via e-mail at jerry.weber@epa.state.oh.us.

Sincerely,



Jerry W. Weber, RS
Environmental Specialist
Division of Solid and Infectious Waste Management

JWW:cl

cc: Jim Veres, DAPC-NEDO
Bill Cowan, City of East Liverpool
File: [Tukel/TIRE/Booth Tire/COR/15]

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Sent To: *Vicki L. Seward*
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 or PO Box No.: *South Tule*
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