



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

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

Re: Notice of Violation
Ottawa Tire Sales
Putnam County

July 17, 2008

Mr. Dan Verhoff
1724 East Main Street
Ottawa, Ohio 45875

Dear Mr. Verhoff:

On July 9, 2008, the Ohio Environmental Protection Agency (Ohio EPA) conducted an inspection of Ottawa Tire Sales (Facility), located at 1724 East Main Street, Ottawa, Ohio. The inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-60 and OAC Rule 3745-27-61. The inspection was completed by myself representing the Ohio EPA, you accompanied me during the inspection.

OAC Rule 3745-27-61(A)(2)(a) states, "A premises where tires are sold at retail where no more than one thousand scrap tires are present any time in an unsecured, uncovered, outdoor location, or where any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation" is exempt from registration requirements. The Facility currently meets this exemption.

Upon review of shipping manifests it was discovered that tires were previously being transported through Maze and later through Liberty Tire Services of Ohio. However, for approximately the last three years transport operations had been conducted by the owner/operator, transporting tires in a semi trailer to the Henry County Landfill. You provided landfill receipts as record of disposal.

OAC Rule 3745-27-54(A)(1) states "Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers."

Your operations do not meet any of the exemptions listed in OAC Rule 3745-27-54(A)(2). You are therefore in violation of OAC Rule 3745-27-54(A)(1) for transporting scrap tires without being registered as a scrap tire transporter.

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You must either register as a transporter prior to transporting any additional scrap tires or contract with a registered scrap tire transporter to transport scrap tires generated through your operations.

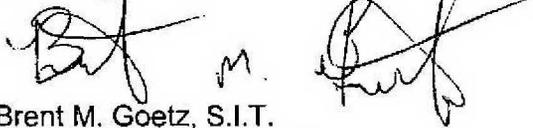
I have included a list of registered scrap tire transporters and rules pertaining to scrap tire transporter registration requirements, standards for transportation of scrap tires, and paperwork requirements for the transportation of scrap tires.

This correspondence addresses specific observations only for the areas of the Facility that were inspected. Nothing present in, nor absent from this correspondence is intended to mean that no violations existed at the Facility at the time of the inspection.

Compliance with the requirements in this letter, or the solid and infectious waste provisions contained in the Ohio Revised Code Chapter 3734 and the rules promulgated thereunder, does not relieve the owner/operator of Ottawa Tire Sales from their obligations to comply with other applicable state and federal laws and regulations.

If you have any questions please feel free to contact me at (419) 373-4114.

Sincerely,



Brent M. Goetz, S.I.T.
Environmental Specialist
Division of Solid and Infectious Waste Management

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Enclosures

pc: ~~File: Putnam County, Tires #22~~