

Environmental  
Protection Agency

Commissioner  
Governor  
Lt. Governor  
Director

**CERTIFIED MAIL**

December 29, 2011

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 COMPREHENSIVE INSPECTION  
NOTICE OF VIOLATION (NOV)**

Dear Mr. Lewis:

On December 28, 2011, I attempted to conduct a comprehensive inspection of the Class II Scrap Tire Recovery Facility (Facility) and adjacent buildings located at 1165 Brittain Street, Youngstown (Mahoning County), Ohio (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.

When I arrived at the facility there was no one present and the gate was locked. Since Ohio EPA was unable to conduct the 2<sup>nd</sup> Quarter FY2012 inspection, compliance with OAC Rule 3745-27-65, Ohio's open dumping laws and previous NOV's could not be verified. Therefore, RRI of Ohio continues to be in violation of the following rules, specified in the last NOV dated October 7, 2011:

**Mandatory Closure:**

1. **OAC Rule 3745-27-66(C)** states, in part, "[i]n closing the facility, the owner or operator implementing the closure shall do the following:

(1) *Not less than sixty days prior to the anticipated date upon which the [facility] will cease to accept scrap tires, provide written notice...to all of the following:*

- (a) *The single or joint solid waste management district...in which the facility is located or which is served by the facility;*
- (b) *The board of Health in which the facility is located;*
- (c) *The local fire department; and,*
- (d) *The director [of Ohio EPA].*

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- (2) *At the time the...facility has ceased to accept scrap tires, the facility owner or operator shall post signs in such a manner as to be easily visible at all entrances to the facility, stating that the facility is closed for all scrap tire activities.*
- (3) *Not later than thirty days after a scrap tire...recovery facility has ceased to accept scrap tires, the facility owner shall do the following:*
  - (a) *Remove all scrap tires;*
  - (b) *Remove any solid waste remaining on site and dispose of them at a facility authorized to dispose of such waste;*
  - (c) *Clean all areas of the facility and any appurtenances; and,*
  - (d) *Submit the final annual report for the facility, as required by paragraph (J)(3) of OAC Rule 3745-27-65, to the director.*

RRI of Ohio was required to cease acceptance of scrap tires at the Facility and begin implementing closure of the Facility as of November 2, 2009. RRI of Ohio was also required under OAC Rule 3745-27-66(C)(3) to remove all scrap tires and solid waste thirty days after ceasing acceptance of scrap tires, or thirty days after Ohio EPA's November 2, 2009 final license denial at the very latest. RRI of Ohio's failure to implement closure activities and remove scrap tires and solid waste from the Facility by December 2, 2009 is a violation of OAC Rule 3745-27-66(C) and Ohio EPA's November 2, 2009 final license denial, Order 2.

**Open Dumping:**

2. **ORC Section 3734.03** states, in part, that "[n]o person shall dispose of solid wastes by open burning or open dumping...."

**OAC Rule 3745-27-05(C)** states that "[n]o 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."

The property owner needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the property owner is requested to provide documentation to this office including the steps taken to abate the violations cited above. Also, please submit receipts for the transport and disposal of the processed tire shreds that have been removed from the Facility in 2009 and 2010. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [joshua.adams@epa.state.oh.us](mailto:joshua.adams@epa.state.oh.us).

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Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. (or 3714. for C&DD) of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, the property owner is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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.

If you have any questions, please contact me by telephone at (330) 963-1103 or by e-mail at [joshua.adams@epa.state.oh.us](mailto:joshua.adams@epa.state.oh.us).

Sincerely,



Joshua D. Adams  
Environmental Specialist  
Division of Materials and Waste Management

JDA:ddw

cc: Harry Smail, DMWM CO  
Melinda Berry, DMWM CO  
Bob Eubanks, AGO  
Lieutenant Sharyl Frasier, City of Youngstown Fire Department  
Brenda Williams, City of Youngstown Building Department.  
Deputy W. Walker, Mahoning County Sheriff's Department  
Ken Fair and Ed Page, RRI of Ohio, Inc.

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