



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

February 9, 2012

CERTIFIED MAIL 7011 0470 0002 3496 1603

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 February 6, 2012, I attempted to conduct a comprehensive inspection of the previously licensed 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 environmental laws and rules regarding scrap tire facility closure, Ohio Administrative Code (OAC) 3745-27-66, and open dumping, Ohio Revised Code (ORC) 3734.03 and OAC Rule 3745-27-05(C).

When I arrived at the facility there was no one present and the gate was locked. Since Ohio EPA was unable to conduct the 3rd Quarter FY2012 inspection, the correction of the violations specified in the last NOV dated December 29, 2011, could not be verified. Furthermore, no evidence was mailed or otherwise provided to the Ohio EPA since the last inspection as proof of the abatement of such violations. Accordingly, the Ohio EPA again places you on notice of the following laws and required corrective actions:

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].*
- (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."

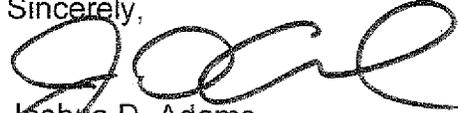
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The property owner needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the property owner is requested to provide documentation to this office including the steps taken to abate the violations cited above. Also, please submit receipts for the transport and disposal of the processed tire shreds that were 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.

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734. 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.

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.

Sincerely,



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

JDA/cl

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, RRI of Ohio, Inc.
Ed Page, RRI of Ohio, Inc.
File: [Sowers/Tire/RRI of Ohio/COR/50]