



Environmental  
Protection Agency

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

March 22, 2012

RE: **SCRAP TIRE TRANSPORTER  
RENEWAL  
NOTICE OF DEFICIENCY AND  
NOTICE OF VIOLATION**

**CERTIFIED MAIL 7011 0470 0002 3496 1672**

Mr. Robert Hartley, Sr.  
B & L Tire Company  
175 East Mapledale Avenue  
Akron, Ohio 44301

Dear Mr. Hartley:

Ohio Environmental Protection Agency (Ohio EPA) inspected B & L Tire Company on March 9, 2012 as part of the review process for B & L Tire Company's application for its scrap tire transporter annual registration certificate for 2012. This letter provides a notice of violations and deficiencies identified during the application review.

B & L Tire Company is a tire retailer and registered scrap tire transporter, located at 115 14<sup>th</sup> Street, Barberton, Summit County. This is a new location. You no longer use the former site located at 5185 West Wooster Road, Norton. Present for the inspection were you and April Hartley, representing B & L Tire, and I, representing Ohio EPA. The violations and deficiencies are below.

**Violations**

1. A wood burning stove is located in the southeast side of the building. Although nothing was being burned in the wood burner, there were stacks of scrap tires within ten feet of the wood burner. **OAC 3745-27-60(B)(2)** requires scrap tires to be at least 50 feet away from sources of ignition. You are in violation of OAC 3745-27-60(B)(2).

The above rule states in part, "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 . . . Scrap tire storage piles shall be separated from possible ignition sources including but not limited to open flame, welding equipment, cutting equipment, and heating devices by at least fifty feet."

This rule includes the following comment:

"Comment: The scrap tire rules provide Ohio EPA's minimum standards to prevent and reduce fire hazards associated with scrap tire storage and handling. State and

local fire codes may be more restrictive and impose additional requirements that need to be followed.”

To achieve compliance, please remove the wood stove or render the wood stove to be inoperable so that it could be considered “not a possible ignition source.” Also, Ohio EPA recommends that you contact the local fire marshal to determine if local fire codes require additional conditions.

2. A house is located 20 feet away from the north side of your building. The house is not owned or leased by B & L Tire. The current site sketch includes the entire building as the transporter facility. Tires were stacked inside along the north wall of the building. **OAC 3745-27-56(C)(6)** and **OAC 3745-27-55(A)(4)(b)** require the scrap tire storage to be at least 50 feet away from a house not owned by B & L Tire. You are in violation of the above two rules.

However, as a scrap tire retailer, you have the option of defining the scrap tire sorting area as a specific area that would not need to include the entire building. The site plan drawing could outline the tire sorting area and parked transporter trailers. The retail tire storage would then be labeled as a separate area.

OAC 3745-27-60(A)(2) states:

“If the scrap tire transporter operates a tire retail or retreading business at the same location, rule 3745-27-60 of the Administrative Code would only apply if the scrap tire transporter did not include that portion of the property in their scrap tire transporter registration.”

The above rule means that OAC 3745-27-56 and OAC 3745-27-55(A)(4)(b) apply to the sorting area which appeared to be the outside area in front of the garage doors. OAC 3745-27-60 would apply to the indoor tires stored for retail sale. The advantage is that OAC 3745-27-60 does not have a 50 foot distance from a house to indoor storage of tires.

For reference, below are OAC 3745-27-56(C)(6) and OAC 3745-27-55(A)(4)(b).

OAC 3745-27-56(C)(6) states in part,

“Store and handle the scrap tires so as not to create a nuisance, a hazard to public health or safety, or a fire hazard. . .

(a) Trailers or vehicles containing scrap tires shall be parked at least fifty feet from buildings not owned or leased by the scrap tire transporter or fifteen feet from buildings owned or leased by the scrap tire transporter, unless the trailer or vehicle is parked at a loading dock and is being actively loaded or unloaded.

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(b) Scrap tires being sorted or graded in the scrap tire handling area shall be at least fifty feet from buildings not owned or leased by the scrap tire transporter or fifteen feet from buildings owned or leased by the scrap tire transporter.”

OAC 3745-27-55(A)(4)(b) states in part,

“On the date the application for an annual registration certificate is received, any sorting area for scrap tires described in the application meets all of the following . . .

(a) Is at least fifty feet from any building or structure not owned or leased by the applicant.”

To achieve compliance, you could move the indoor tire stacks 30 feet away from the north side of the building wall in order to give a total of 50 feet clearance from the house. Or, revise the plan drawing as described above. Remember that the sorting area and parked trailers containing tires do need setbacks as described in OAC 3745-27-56.

### **Registration Application Deficiencies**

1. Section E was incomplete.

A. The form asks whether there will be sorting of scrap tires. The “yes” or “no” was not checked. During the inspection, you did check the “yes” for this question. Section E also requires a plan drawing for facilities that sort tires. Although a site sketch was provided in the application, the sketch did not provide the 500 feet radius surrounding the facility. Also, potential ignition sources were not indicated.

Please submit a plan drawing that fulfills the rule requirements below. We discussed that the local library or county auditor’s office may be able to assist with providing a copy of a parcel map with buildings. Please remember the map scale should be one inch equals a maximum of 100 feet. OAC 3745-27-54(C)(2) states in part,

“For a renewal application, provide only the information that needs to be updated.

(a) A description of how the scrap tires are to be handled and why this activity does not require additional registration or permitting as a scrap tire collection or storage facility in accordance with rule 3745-27-61 or rule 3745-27-63 of the Administrative Code.

(b) Detailed drawings for the area to be used for parking motor vehicles or trailers and for sorting tires. A scale of one inch equals a maximum of one hundred feet shall be used. The drawings shall show the following items within five hundred feet of any sorting areas for scrap tires:

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- (i) The location of the property line.
- (ii) The location of any potential ignition sources such as welding operations or open flames.
- (iii) The location and limits of all buildings and structures.

B. The above rule requires, "A description of how the scrap tires are to be handled and why this activity does not require additional registration or permitting as a scrap tire collection or storage facility in accordance with rule 3745-27-61 or rule 3745-27-63 of the Administrative Code."

Please provide a description of how scrap tires are to be handled and why this activity does not require additional registration or permitting as a scrap tire collection or storage facility.

2. Section G was incomplete.

Please submit a new page 3 with a completed Section G. This section includes your retail vendor information.

### Comments

1. At least 10 scrap tires were on the ground in the outdoor scrap tire handling area. Ohio EPA reminds B & L Tire that scrap tires must be off the ground and in trailers by the end of the work day. OAC 3745-27-56(C)(3) states in part,

". . . sort scrap tires and transfer the scrap tires between trailers at a scrap tire handling area designated for sorting operations in the approved transporter's registration. Scrap tires may be transferred between trailers or vehicles to consolidate loads or to sort scrap tires only if the following conditions are met:

(a) Scrap tires will not remain outside of a covered trailer or vehicle beyond the end of the current work shift.

(b) Scrap tires will not remain in this area in covered trailers or vehicles for more than thirty days . . ."

2. Several gas heaters are in the building, you said that only the center heater would be used and that the other heaters would not be operated. OAC 3745-27-60(B)(8)(e) states, "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." Ohio EPA requests that you maintain at least three feet clearance in all directions for all heaters in the building.

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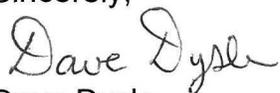
3. Please maintain the center aisle that runs along the inside of your building. The aisle should be eight feet wide and free of scrap tires. OAC 3745-27-60(B)(8)(b) states in part, "The distance between scrap tire storage piles shall be at least eight feet." B & L Tire may want to mark the eight-foot wide fire lane on the floor, using tape or paint.

Ohio EPA cannot renew your scrap tire transporter registration until B & L Tire Company has corrected the violations and registration deficiencies noted above. I would like to do a reinspection before March 31, 2012. Please let me know when you would like the reinspection.

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 B & L Tire Company 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 for remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle  
Environmental Specialist  
Division of Materials Waste Management

DD:cl

cc: Brian Dearth, DMWM, CO  
Julie Brown, Summit County Health Department  
File: [Sowers/TIRE/B & L Tire/COR/77]