



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

October 19, 2012

RE: NOTICE OF VIOLATIONS

CERTIFIED MAIL 7012 1010 0002 2260 3940

Dolores Lightner
Lightner Tire Co.
780 East Waterloo Road
Akron, Ohio 44306

Dear Ms. Lightner:

This letter provides a notice of violations identified by Ohio Environmental Protection Agency (Ohio EPA) during the July 16, 2012 inspection. This letter also provides an explanation of rule applicability for scrap tire storage at a scrap tire retreading business. Lightner Tire Co. (Lightner) is a registered scrap tire transporter (Registration Number 77-STT-003), scrap tire retreader and retail tire facility, located at 780 East Waterloo Road, Akron, in Summit County.

Ohio EPA received Lightner's *Scrap Tire Transporter Annual Registration Certificate Application* on February 2, 2012. Included with the application was a narrative titled "Description of Scrap Tire and Retreading Process" in which Lightner stated:

"Our facility is in accordance with rules as stated in OAC 3745-27-61(A)(2)(b) which states: The premises of a tire retreading business, tire manufacturing finishing center, or tire adjustment center on which is located a single, covered scrap tire storage area at which no more than four thousand scrap tires are stored in a manner otherwise authorized by the director.

We fall into the category of a tire retreading business as defined in OAC 3745-27-01 (T)(8): 'Tire retreading business' means premises where scrap tires are recycled by processing the scrap tire and attaching a new tread to the used tire casings."

The purpose of the July 16, 2012 inspection was to determine compliance with scrap tire transporter registration and general scrap tire storage requirements. During the inspection, you represented Lightner, and Aaron Shear and I represented Ohio EPA, Division of Materials and Waste Management.

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Lightner has numerous stacks of uncovered tires located outside in several areas of the facility property. During the July 16 inspection, you estimated that there were approximately between 4,000 to 6,000 tires currently stored uncovered outside. Approximately 75% of the outdoor tires were large truck tires. There were also over 50 semi-trailers located at the Lightner property, with tires stored in multiple semi-trailers.

As a scrap tire retreader, Lightner qualifies for a tire storage exemption. Ohio Administrative Code (OAC) Rule 3745-27-61(A)(3)(a) states in part,

"The requirement to obtain a scrap tire storage facility registration certificate does not apply to the following: . . . any of the premises listed in paragraph (A)(2) of this rule."

OAC Rule 3745-27-61(A)(2)(b) states in part, *"The premises of a tire retreading business, tire manufacturing finishing center, or tire adjustment center on which is located a single, covered scrap tire storage area at which no more than four thousand scrap tires are stored or in a manner otherwise, authorized by the director."*

Violations

1. Lightner is in violation of OAC Rule 3745-27-61(A)(2)(b) because the facility has more than 4,000 tires stored outdoors, and there was more than one outdoor tire storage pile, and the outdoor tires were not covered. In order to comply with the above rule, Lightner should choose one of the options below.
 - A. Store less than 4,000 tires in a single covered storage area. This may require outlining the storage area on a property figure/map so that Lightner personnel, Ohio EPA and the Health Department can easily determine compliance.
 - B. Register as a Class II Scrap Tire Storage Facility, per OAC Rule 3745-27-61 (*Registration requirements for scrap tire collection, class II scrap tire storage, and class II scrap tire recovery facilities.*), which requires additional items such as, but not limited to, more financial assurance, a mosquito control plan, and fire contingency plan.
 - C. As a registered scrap tire transporter, strictly comply with the storage requirements in OAC Rule 3745-27-56 (*Standards for Transporters of Scrap Tires*).

2. The mosquito control records did not contain all required information. The records had the dates of mosquito control applications. OAC Rule 3745-27-60(C) states in part, *"Anyone storing scrap tires shall maintain mosquito control as follows:*

- (1) *One or more of the following shall be done to control mosquitoes:*
 - (a) *Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.*
 - (b) *Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.*
 - (c) *Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio Department of Agriculture.*
- (2) *Maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator."*
- (3) *Maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner or the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years."*

Lightner is in violation of OAC Rule 3745-27-60(C)(3) for not recording all required mosquito control information. To achieve compliance, Lightner must record all required information regarding mosquito control. A copy of Ohio EPA Guidance Document # 646 titled, "Mosquito Control and Storage of Scrap Tires" is attached for your convenience.

3. Some semi-trailers at the southeast area of the Lightner property were blocking the quick access to other semi-trailers. Semi-trailers need to be positioned so that there is quick access to all trailers in case of fire. Lightner is in violation of OAC Rule 3745-27-60(B)(4)(b)(i) for not keeping all semi-trailers and portable

containers positioned such that any semi-trailer or portable container can be moved without moving any other semi-trailer, or container. OAC Rule 3745-27-60(B)(4) states in part,

“Where multiple portable containers, trucks, or semi-trailers are used to store scrap tires, the portable scrap tire containers, trucks, or semi-trailers shall be separated from the following:

- (a) Buildings and structures that are owned or leased by the person storing the scrap tires by at least fifteen feet.*
- (b) Other buildings or structures not owned or leased by the person storing the scrap tires by at least:*
 - (i) Fifty-six feet of separation if semi-trailers or other portable containers that have a volume of more than fifty-one cubic yards are used for scrap tire storage. Semi-trailers shall have enclosed sides, top, and doors such that the semi-trailer is capable of keeping the contents dry. Up to a maximum of ten semi-trailers or portable containers may be located adjacent to each other and the fifty-six feet of separation shall apply to all sides of the group of semi-trailers or portable containers. All semi-trailers and portable containers shall be positioned such that any semi-trailer or portable container can be moved without moving any other semi-trailer, or container.*
 - (ii) Twenty-five feet of separation if roll-off containers or box vans are used as portable containers for scrap tire storage. The roll-off containers and box vans shall each contain five hundred or less scrap tires or shall have a volume of fifty-one cubic yards or less and shall be capable of keeping the contents dry. Up to a maximum of ten portable containers may be located adjacent to each other and the twenty-five feet of separation shall apply to all sides of the group of containers. All containers shall be positioned such that any container can be moved without moving any other container.”*

To achieve compliance, Lightner must arrange the semi-trailers, storage boxes, vehicles and scrap tire piles so that all containers are positioned such that any container can be moved without moving any other container.

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Comments

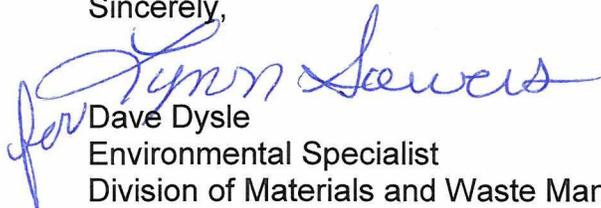
1. When rearranging the tires, please keep in mind the general setbacks for outdoor tires and tires in trailers. The tires must be at least 15 feet away from Lightner buildings, pursuant to OAC Rule 3745-27-56(C)(6)(a).
2. An outdoor tire storage pile shall comply with the requirements described in OAC Rule 3745-27-60(B)(6). This includes the maintenance of a fire lane around the outdoor tire storage pile.

Please provide a written response to Ohio EPA within 14 days of receipt of this Notice of Violations.

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 Lightner Tire Co. 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,


for Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

DD/cl

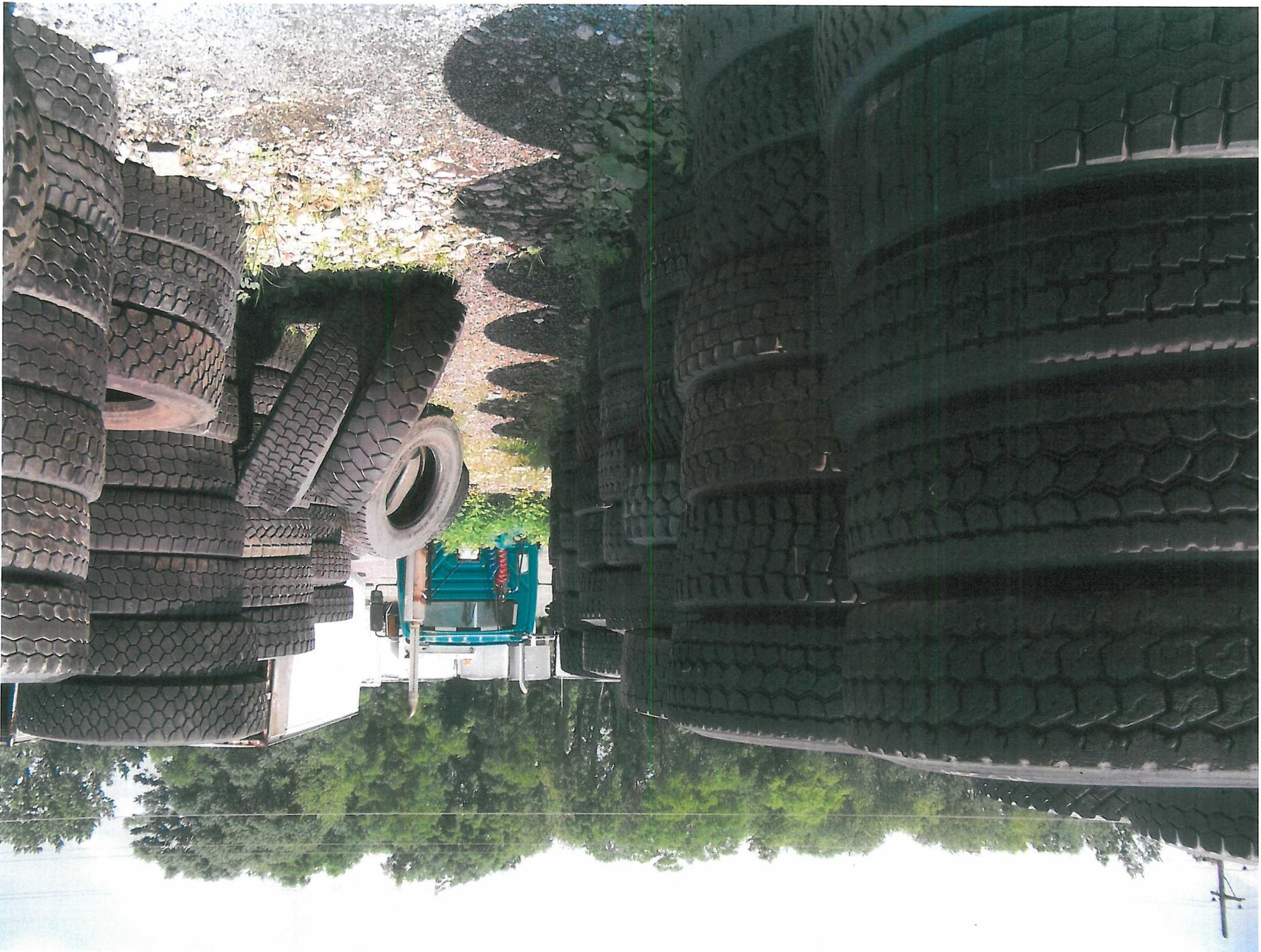
Attachments: Description of Scrap Tire and Retreading Process
 Mosquito Control and Storage of Scrap Tires (GD #646)

cc: Aaron Shear, DMWM, CO
 Julie Brown, Summit County Public Health
 File: [Sowers/TIRE/Lightner Tire/COR/77]











LOGISTIC SERVICES
12618
LIC NO 149
DOT NO 751

48-1 2

Mosquito Control and Storage of Scrap Tires

Mosquitoes are a problem throughout Ohio. At least 62 different species of mosquitoes are found in the state. Mosquitoes interfere with work and leisure activities due to the annoyance of their bites and irritating reaction that follows. Most importantly, they can transmit diseases such as La Crosse, St. Louis, Eastern Equine, and West Nile Virus encephalitis. Ohio regulations now include requirements to prevent mosquitoes from breeding in scrap tires.

PURPOSE

This educational guideline addresses property owner and facility owner and operator responsibilities for mosquito control in Ohio and is intended to guide readers through some of the major requirements of the scrap tire rules. However, it is only a guide and the appropriate sections of the Ohio Administrative Code should be read in their entirety.

Effective mosquito control requires a well-planned program and the cooperation of homeowners, industry, and local and state governments each doing their part to reduce mosquito nuisances in their area. Water management is essential to the effective control of mosquito breeding. Eggs do not hatch unless they are on or in water. The first control measure is to prevent the buildup of standing water in tires. Scrap tires stored outside are of particular concern because the rain water that accumulates in the scrap tires provides an ideal breeding place for mosquitoes which carry many diseases.

Ohio law regulates scrap tire collection, storage, recovery and disposal facilities and scrap tire transporters. Ohio EPA regulations are designed to reduce the potential for mosquitoes to breed in scrap tires, whether the tires are located at a regulated facility or stored by individual property owners. In all cases, the facility owner or operator or property owner has a responsibility to control mosquito breeding in the tires by keeping the tires dry and appropriately stacked, or by using an insecticide or larvicide registered by the Ohio Department of Agriculture for use in Ohio, as

necessary. This fact sheet was prepared to provide information on mosquito control methods for scrap tires.

APPLICABLE RULES/STATUTES

Ohio Revised Code 3734
Ohio Administrative Code 3745-27-56
Ohio Administrative Code 3745-27-60
Ohio Administrative Code 3745-27-65

HOW DO I KEEP SCRAP TIRES DRY?

There are several ways to keep scrap tires dry or otherwise prevent water buildup in the tires so treatment with an insecticide or larvicide is not necessary.

- 1) Store all tires indoors or in closed containers.
- 2) Cover the scrap tires with a tarp or heavy plastic sheeting to prevent water from collecting in the tires.
- 3) Provide drainage by boring, drilling, cutting, or punching holes in the tires. Prevent drainage hole blockage by leaves or other debris.
- 4) Chop, cut, or shred the tires small enough so that the pieces will not hold water.
- 5) Other methods that can be shown to keep out water can be approved by

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either Ohio EPA or the local health department.

IS BALING OF TIRES AN EFFECTIVE WAY TO ELIMINATE MOSQUITO BREEDING?

No. Tire bales may hold water, even when properly constructed, and allow mosquitoes to breed. Frequent inspections and treatments are needed.

TREATING SCRAP TIRES WITH A LARVICIDE OR INSECTICIDE

The property owner or facility owner or operator may choose to hire a pesticide applicator licensed by the Ohio Department of Agriculture who is authorized to apply general use or restricted use larvicides or insecticides. If the scrap tire facility operator or property owner wants to apply the larvicide or pesticide, then a general use larvicide/pesticide must be used. The Ohio Department of Health, (614) 752-1029, can provide a list of registered larvicides/insecticides that have a lower persistence and toxicity to the applicator and to the environment, if used according to the label specifications.

GENERAL INSECTICIDE AND LARVICIDE PRECAUTIONS

The Ohio Department of Health recommends the following before using an insecticide or larvicide:

- Read the label carefully and follow the directions on the insecticide/larvicide container label.
- Store insecticides/larvicides in plainly labeled containers, safely away from livestock, pets and children. Also, store them in a separate area where they will not contaminate food or feed.
- Avoid repeated and prolonged skin contact with insecticides/larvicides, and keep out of eyes, nose and mouth. If insecticides/larvicides do get on clothing

or on skin, remove contaminated clothing at once and wash skin and clothing thoroughly.

- Don't contaminate wells, ponds or streams when cleaning spray equipment.
- Wash your hands and face with soap and water immediately after applying an insecticide/larvicide and before eating, drinking or smoking.

LARVICIDE OR INSECTICIDE CONTAINER DISPOSAL

Following are some recommendations from the Ohio Department of Health that you should consider when disposing of containers:

- Triple rinse all containers (the liquid may be placed in the sanitary sewer, if acceptable).
- Never bury or burn empty larvicide or insecticide containers or other wastes.
- Whenever possible, buy insecticides in re-useable containers, or disposable containers that dissolve in the tank.
- Most empty insecticide containers can be disposed of at a solid waste landfill provided that they have been triple-rinsed, and punctured or crushed in the case of drums or cans.

RISKS TO THE APPLICATOR AND TO PERSONNEL AFTER APPLICATION

People applying a general use insecticide or larvicide should wear rubber gloves or other non-absorbent gloves, eye protection, and a filter mask. Other protective clothing may be specified on the product label. (A licensed applicator will have the appropriate equipment, apparel and training for this operation.) The protection is designed to prevent particulate matter and aerosols from getting into the eyes or lungs and to reduce skin exposure to

Mosquito Control and Storage of Scrap Tires

insecticides. Because registered chemicals on the list available from the Ohio Department of Agriculture have a relatively low persistence and toxicity, no significant threat to non-target species is expected if applied according to label specifications. Personnel handling tires after an insecticide/larvicide application should wear non-absorbent gloves.

For more information regarding the use of a particular insecticide or larvicide, please contact the Ohio Department of Agriculture at 614-728-6987.

POINT OF CONTACT

Northeast District Office DSIWM Supervisor at
Twinsburg: 330-963-1200

Northwest District Office DSIWM Supervisor at
Bowling Green: 419-352-8461

Central District Office DSIWM Supervisor at
Columbus: 614-728-3778

Southeast District Office DSIWM Supervisor at
Logan: 740-385-8501

Southwest District Office DSIWM Supervisor at
Dayton: 937-285-6357

Central Office-Scrap Tire Unit at Columbus:
614-644-2621

DISCLAIMER

The procedures set out in this document are intended solely for guidance. The procedures are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party against Ohio EPA. While this guidance document is not legally binding, all statutes and rules referenced herein are binding and enforceable. Ohio EPA reserves the rights to vary this guidance or to change it at any time without public notice and also reserves the right to deviate from this guidance on a case-by-case basis.

DESCRIPTION OF SCRAP TIRE AND RETREADING PROCESS:

All scrap tires are transported to our location by our company driver. Approximately two or three trailers per working day are brought onto our premises. Trailers are dropped next to the tire sorting area. The tires are then sorted through and moved directly into scrap tire trailers also spotted next to the sorting area. These scrap tire trailers are then removed from our premises on a daily basis. All tires not being removed in the scrap trailers are labeled as casings for retread and are then processed through our repair and retreading shop also located on our premises. After undergoing the repair and retreading process, these tires are now labeled as "used" or "retreaded" tires and are inventoried by size for resale.

Below are definitions taken directly from the Ohio Administrative Code to support our labeling of the used and retreaded tires, and the difference between these tires as opposed to scrap tires.

OAC 3745-27-01 (S)(6) states: "Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as scrap tires by visual inspection and which still contain wire.

"Scrap tire" does not include the following:

OAC 3745-27-01 (S)(6)(a): A tire after it has been retreaded or regrooved for resale or reuse, unless it has been declared defective or has been returned to the seller or manufacturer for warranty adjustment.

and

OAC 3745-27-01 (S)(6)(d): Only at a retreading business, a retreadable casing stored in an enclosed building or stored in a manner otherwise authorized or exempted by the director that the retreading business has inspected and individually labeled or marked the casing as suitable for retreading.

Also, the definition of a used tire as taken from OAC 3745-27-01 (U)(3): "used tire" means a whole scrap tire which has been reused by being installed on a vehicle or trailer. "Used tire" also means a whole scrap tire that has been individually tagged as a used tire, and is still suitable for mounting and use on a wheel or rim.

Lightner Tire Co. does not require additional registration or permitting as a scrap tire collection or storage facility due to the labeling of all tires stored on the premises as either casings for retread, used tires, or retreaded tires as defined above.

Our facility is in accordance with rules as stated in OAC 3745-27-61 (A)(2)(b) which states: The premises of a tire retreading business, tire manufacturing finishing center, or tire adjustment center on which is located a single, covered scrap tire storage area at which no more than four thousand scrap tires are stored or in a manner otherwise authorized by the director.

We fall into the category of a tire retreading business as defined in OAC 3745-27-01 (T)(8): "Tire retreading business" means premises where scrap tires are recycled by processing the scrap tire and attaching a new tread to the used tire casings.

Our facility has been inspected and approved by local and state EPA officials every year in the past and all tires stored on our premises have been approved for the above mentioned reasons.