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

January 31, 2013

RE: MIRICH TIRE & C&DD DUMP
NOTICE OF VIOLATION

CERTIFIED MAIL 7012 1010 0000 9467 7278

Mark Mirich
All Demolition
1127 Poland Avenue
Youngstown, OH 44502-2140

CERTIFIED MAIL 7012 1010 0000 9467 7018

BRONX Group LLC
550 Fifth Street
Struthers, OH 44471

Dear Owner(s)/Operator(s):

On January 23, 2013, the Ohio Environmental Protection Agency (Ohio EPA) conducted a comprehensive inspection of property located at 1127 Poland Avenue, Youngstown, in Mahoning County (Property). The property is owned by BRONX Group, LLC. I, representing Ohio EPA Division of Materials and Waste Management (DMWM), conducted the inspection. Mark Mirich was present during the inspection and represented the facility. The purpose of the inspection was to determine compliance with Ohio's scrap tire and construction and demolition debris (C&DD) laws and regulations.

The following violations were observed at the property:

1. **Ohio Revised Code (ORC) Section 3734.03** states, in part, *"No person shall dispose of solid wastes by open burning or open dumping. . . ."*

   Ohio Administrative Code (OAC) Rule 3745-27-05(C) states, in part, *"No 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."*

OAC Rule 3745-27-01(O)(4)(b) defines "open dumping" to include: *"the deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the [ORC]...."*

Mr. Mirich acknowledged bringing the scrap tires onto the property, therefore, the owner(s)/operator(s) are responsible for the approximately 1,200 scrap tires that are dumped on the ground in violation of Ohio's statutes and rules. The bulk of the scrap tires are stored under a blue tarp. The owner(s)/operator(s) are responsible for keeping the tires dry until the scrap tires are removed and appropriately disposed in accordance with the scrap tire regulations.

Attached is a copy of the list of registered scrap tire transporters in the state of Ohio. The owner(s)/operator(s) are responsible for using a registered scrap tire transporter within state limits. A copy of shipping papers and receipts are necessary to document compliance with the rules.

2. **ORC 3714.051** states, in part, *"... no person shall establish a new construction and demolition debris facility without first obtaining a permit to install issued by the board of health of the health district in which the facility is or is to be located ..."*

   OAC Rule 3745-400-04(B) states that "*No person shall conduct or allow illegal disposal of construction and demolition debris, as defined in rule 3745-400-01 of the Administrative Code.*"

   Mr. Mirich acknowledged bringing the C&DD on site. The owners/operators are in violation of Ohio's statute and rules, due to illegal disposal of construction and demolition debris (C&DD) at the Property. The owners/operators are prohibited from accepting and disposing of C&DD at the Property. At the time of the inspection, Ohio EPA observed the disposal of construction debris disposed along the western side of the warehouse building. Ohio EPA also observed a walking floor trailer full of construction and demolition debris. Therefore, the owners/operators are responsible for cleanup and appropriate disposal of the C&DD disposed at this Property. Receipts documenting the removal and proper disposal of this material must be provided to Ohio EPA.

The owner(s)/operator(s) need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, the owners/operators are requested to provide documentation to this office including the

steps taken to abate the violations cited above. 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 colum.mckenna@epa.ohio.gov.

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 owners/operators are requested to submit scrap tire shipping papers and C&DD disposal receipts once the scrap tires and C&DD are removed and properly disposed. Ohio EPA also requests written correspondence, in the interim, 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 the requirements of any applicable state or federal laws or regulations. This letter shall not be interpreted to release the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

If you have any questions, please contact me by telephone at (330) 963-1268, or by e-mail at colum.mckenna@epa.ohio.gov.

Sincerely,

Colum McKenna
Environmental Specialist
Division of Materials and Waste Management

CM/cl
attch: List of Registered Scrap Tire Transporters

cc: Jim Petuch, Green Team, Mahoning County
Lt. Fraiser, Youngstown Fire Department
Deputy W. Walker, Mahoning County Sheriff's Department
Jennifer Jones, Youngstown Litter Control
File: [Singh/TIRE/Yougstown, City/GEN/50]