



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

March 15, 2013

RE: NICHY TIRE COMPANY  
NOTICE OF VIOLATION

Mr. Steve Nichy  
Nichy Tire Company  
891 West Liberty Street  
Medina, OH 44256

Dear Mr. Nichy:

On March 5, 2013, the Ohio Environmental Protection Agency (Ohio EPA) visited the Nichy Tire Company (Nichy Tire) address listed in the Scrap Tire Registration Application located at 891 West Liberty Street, Medina, in Medina County. I, Colum McKenna, of Ohio EPA Division of Materials and Waste Management (DMWM), visited the property for the purpose of inspection of the scrap tire transporter business following the submittal of the 2013 scrap tire transporter registration renewal application.

At the time of the inspection, Ohio EPA attempted to inspect the scrap tire shipping papers. Mr. Nichy stated that his wife had been ill in 2012, and he did not have a copy of the shipping papers. Therefore, Ohio EPA identified the company in violation of **Ohio Administrative Code (OAC) Rule 3745-27-57(B)(1)** which states "*[s]hipping papers shall be used to document the transportation of scrap tires to or from destinations in the state of Ohio. The shipping paper shall be filled out at the time of each transaction and copies shall be retained in accordance with paragraph (E) of this rule by all parties involved in the transaction.*"

Following the inspection, Ohio EPA contacted Liberty Tire LLC and Ohio EPA obtained the attached document validating receipt of the four loads of scrap tires in 2012. Nichy Tire will, however, need to maintain copies of all shipping papers using multi-colored two-part or three-part Scrap Tire Shipping/Receiving Forms and the shipping papers need to contain all of the necessary information as required pursuant to OAC 3745-27-57(D)(5). OAC Rule 3745-27-57(D)(5) which states "*[t]he "Ohio EPA Scrap Tire Shipping/Receiving Form" or an equivalent form shall be completed as follows:*

- (a) *Be legible and complete.*
- (b) *Be signed and dated by both parties to the transaction before the scrap tires are removed from the premises where generated or before the transporter leaves the delivery point.*

Mr. Steve Nichy  
Nichy Tire Company  
March 15, 2013  
Page 2

(c) *Contain, at a minimum, the following information:*

- (i) *The quantity in number, weight (tons), or volume (cubic feet) of the scrap tires being transported (clearly define the unit of measure).*
- (ii) *An estimate of the percentage of scrap tires in each of the following three categories: (a) passenger car tires, (b) truck tires, and (c) all other tires.*
- (iii) *A certification that the scrap tires were free of water when collected or had been properly treated for mosquito control within the previous two weeks or that the scrap tires had been removed from a wheel within the past seven days.*
- (iv) *The name and dated signature of the individual transporting the shipment, the transporter's company address and telephone number, the transporter's scrap tire registration certificate number, and the transporter's vehicle license plate number and trailer license plate number (if applicable).*
- (v) *The name and dated signature of the scrap tire source or recipient, the address including county name and telephone number of the premises where the scrap tires were generated or delivered to, and, if applicable, the scrap tire facility registration number or permit number, or beneficial use number or the applicable paragraph number from rule 3745-27-78 of the Administrative Code."*

In addition, Ohio EPA observed a few hundred tires stored on the ground near the trailer and against the building. According to **OAC 3745-27-60(B)(7)(c)** which states "[s]crap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles" and **OAC 3745-27-60(C)(1)** states "[o]ne 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."*

Mr. Steve Nichy  
Nichy Tire Company  
March 15, 2013  
Page 3

Scrap tires must be stored at least 25 feet from a building or ignition source and be free of water and/or dependent on application of larvicide pursuant to OAC 3745-27-60(C).

You need to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, you 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](mailto:colum.mckenna@epa.ohio.gov).

This letter shall not be interpreted to release Nichy 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.

Thank you for your cooperation. Feel free to contact me at (330) 963-1268, or at [colum.mckenna@epa.ohio.gov](mailto:colum.mckenna@epa.ohio.gov), if you have any comments or questions concerning the contents of this letter.

Sincerely,



Colum J. McKenna  
Environmental Specialist  
Division of Materials and Waste Management

CJM/cl

cc: John Schoeni, Medina County Health Department  
File: [Singh/TIRE/Medina/GEN/52]  
DMWM #9412

# Liberty Tire LOB Report

3/6/2013  
2:47:09PM

Report Range Start: 1/1/2012 Report Range End: 12/31/2012  
Detail

Cust ID: 005503

Site: Minerva	LOB: 107	Service Type: DH	LOB/Service Preview			
	Total	w/o Fuel	Fuel Only	Taxes Only		
Total Section Revenue:	\$1,192.28	\$1,050.00	\$142.28	\$0.00		
Total Section Tonnage:	17.00					
Rate Per Ton/Pound:	\$70.13**	\$61.76	\$8.37			

Date	COD	SiteID	SiteName	WO	Ticket	Invoice	RTB	Quan /O	Tons	Base Amount	Fuel	Fuel %	Tax	Total Revenue	Dest
0055030002			Nichy Tire (DH)												
10/9/12	Y	0055030002	Nichy Tire (DH)	000080222	150187	0000142468	B	1	17.00	1,050.00	142.28	13.55%	\$0.00	1,192.28	MIN
								1	17.00	1,050.00	142.28		\$0.00	1,192.28	
Total Sales Tax: \$ 0.00										**Included in Invoiced Amount					
								1	17.00	1,050.00	142.28		\$0.00	1,192.28	

Section Summary		Invoiced \$ 1,192.28	Tonnage In 17.00	Tonnage Out 0.00
107	DH	Not Invoiced \$ 0.00		
Released to Billing Not Invoiced: \$ 0.00		Revenue Ready for Review: \$ 0.00		Work Completed: 0.00
		Tonnage:	Tonnage:	Tonnage:
Total:	Third Party Revenue: 1,192.28	17.00	IC Revenue: 0.00	0.00
Billed:	Third Party Revenue: 1,192.28	17.00	IC Revenue: 0.00	0.00
Unbilled:	Third Party Revenue: 0.00	0.00	IC Revenue: 0.00	0.00
			National Revenue: 0.00	0.00
			National Revenue: 0.00	0.00
			National Revenue: 0.00	0.00

Taxes are not calculated until transactions are invoiced.  
\* Specifies pounds as weight measure  
\*\* Tax amount is not included in this calculation—

Site: Minerva	LOB: 111	Service Type: DH	LOB/Service Preview			
<b>Total Section Revenue:</b>	<b>\$3,492.08</b>	<b>w/o Fuel \$3,100.00</b>	<b>Fuel Only \$392.08</b>	<b>Taxes Only \$0.00</b>		
<b>Total Section Tonnage:</b>	<b>46.98</b>					
<b>Rate Per Ton/Pound:</b>	<b>\$74.33**</b>	<b>\$65.99</b>	<b>\$8.35</b>	<b>Report Range Start: 1/1/2012 Report Range End: 12/31/2012</b>		

Date	COD	SiteID	SiteName	WO	Ticket	Invoice	RTB	Quan /O	Tons	Base Amount	Fuel	Fuel %	Tax	Total Revenue	Dest
0055030002 Nichy Tire (DH)															
2/15/12	Y	0055030002	Nichy Tire (DH)	00004546E	47150	0000057704	B	1	17.05	1,000.00	128.00	12.80%	\$0.00	1,128.00	MIN
4/24/12	Y	0055030002	Nichy Tire (DH)	00005299E		0000075066	B	1	13.00	1,050.00	142.80	13.60%	\$0.00	1,192.80	MIN
6/28/12	Y	0055030002	Nichy Tire (DH)	00006042E	93678	0000095435	B	1	16.92	1,050.00	121.28	11.55%	\$0.00	1,171.28	MIN
									<b>3</b>	<b>46.98</b>	<b>3,100.00</b>	<b>392.08</b>	<b>\$0.00</b>	<b>3,492.08</b>	
Total Sales Tax: \$ 0.00 ***Included in Invoiced Amount									<b>3</b>	<b>46.98</b>	<b>3,100.00</b>	<b>392.08</b>	<b>\$0.00</b>	<b>3,492.08</b>	

Section Summary		Invoiced \$ 3,492.08	Tonnage In 46.98	Tonnage Out 0.00
111	DH	Not Invoiced \$ 0.00		
Released to Billing Not Invoiced: \$ 0.00		Revenue Ready for Review: \$ 0.00		Work Completed: 0.00
		<u>Tonnage:</u>	<u>Tonnage:</u>	<u>Tonnage:</u>
Total:	Third Party Revenue: 3,492.08	46.98	IC Revenue: 0.00	0.00
Billed:	Third Party Revenue: 3,492.08	46.98	IC Revenue: 0.00	0.00
Unbilled:	Third Party Revenue: 0.00	0.00	IC Revenue: 0.00	0.00
			National Revenue: 0.00	0.00
			National Revenue: 0.00	0.00
			National Revenue: 0.00	0.00

Taxes are not calculated until transactions are invoiced  
 \* Specifies pounds as weight measure  
 \*\* Tax amount is not included in this calculation