



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

March 18, 2013

RE: **CHEEPLY TIRE REMOVAL LLC**
NOTICE OF VIOLATION

Alice Ortiz
Cheepty's Tire Removal LLC
610 Wooster Road
Lodi, OH 44254

Dear Ms. Ortiz:

On March 5, 2013, the Ohio Environmental Protection Agency (Ohio EPA) visited the Cheepty's Tire Removal LLC (Cheepty) address listed in the Scrap Tire Registration Application located at 610 Wooster Road, Lodi, 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 inspected the scrap tire shipping papers. Ohio Administrative Code (OAC), Rule 3745-27-57(B)(1) 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.*"

At the time of the inspection, Cheepty is using a pre-printed version of the multi-colored three-part Scrap Tire Shipping/Receiving Form. Cheepty maintains copies of the shipping/receiving forms, except for the tires delivered to Liberty Tire LLC. Cheepty could only offer invoices from Liberty Tire LLC of those scrap tires transported. The shipping forms that were available, such as to ARM, also did not contain the quantity/volume of scrap tires being transported, nor did it contain an estimate of the percentage of passenger, truck, or all tires being transported.

Therefore, Ohio EPA identified the facility in violation of **OAC 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.*

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- (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.*

- (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."*

Cheepy needs to maintain signed copies of the two-part or three-part Scrap Tire Shipping/Receiving Form. Furthermore, the shipping papers need to contain all of the necessary information, such as the quantity/volume and type of scrap tires being transported.

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.

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This letter shall not be interpreted to release Cheepy 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 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 #4933