



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

April 4, 2013

RE: NOTICE OF VIOLATIONS

Debbie Hamberg
Lightner Tire Service
780 East Waterloo Road
Akron, Ohio 44306

Dear Ms. Hamberg:

This letter provides a notice of violations identified by Ohio Environmental Protection Agency (Ohio EPA) during the March 5, 2013 inspection. This letter also provides an explanation of rule applicability for scrap tire storage. Lightner Tire is a registered scrap tire transporter, retreader and retail tire facility, located at 780 East Waterloo Road, Akron, in Summit County.

The purpose of the March 5, 2013 inspection was to determine compliance with scrap tire transporter registration requirements and discuss rule applicability regarding your tire storage. During the inspection, you and Tim Bonnell represented Lightner Tire, Julie Brown represented Summit County Public Health, and Aaron Shear and I represented Ohio EPA, Division of Materials and Waste Management.

Lightner Tire has stacks of uncovered regrooved and scrap tires located outside in several areas of the facility property. There were at least 5,000 tires stored outside. The majority of tires have been regrooved as part of Lightner's operations and therefore, do not meet the Ohio EPA definition of "scrap tire." But there is still a large volume of scrap tires stored outdoors. Most tires were in stacks of 8 to 10 tires per stack.

As a scrap tire retreader, Lightner Tire qualifies for a scrap tire storage exemption. Ohio Administrative Code (OAC) 3745-27-61(A)(3)(a) states in part, "*Scrap tire storage facility exemptions . . . 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 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 Tire is in violation of OAC 3745-27-61(A)(2)(b) because the facility has more than one outdoor scrap tire storage pile, and the outdoor scrap tires were not covered. This includes the tires in the southwest corner of the property where Lightner is salvaging rims. In order to comply with the above rule, Lightner Tire should choose one of the options below.
 - A. Store less than 4,000 scrap tires in a single covered location. The facility will also need to ensure that less than 4,000 scrap tires are stored outdoors; this may require outlining the storage area so that Lightner Tire personnel, Ohio EPA and the health department can easily determine compliance.
 - B. Register as a Class II Scrap Tire Storage Facility, which requires additional items such as more financial assurance, a mosquito control plan, and fire control plan.

Regarding the "single covered location" noted in A. above, Lightner Tire could construct an additional open-sided, roofed structure near the existing open-sided roofed structure in the tire handling area. For example, a rectangular roofed structure could be installed along the east border, provided that the scrap tires are at least 50 feet away from buildings not owned by Lightner Tire. The roofed structure would need to keep rain water from accumulating in the scrap tires.

2. Lightner Tire is in violation of OAC 3745-27-60(B)(7)(b) because some of the stacks of outdoor scrap tires were greater than eight feet in height. This rule states,

"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 tires storage piles shall not exceed eight feet in height."

Please keep stacks of scrap tires to not exceed eight feet in height.

Comments

1. An outdoor scrap tire storage pile shall comply with the requirements described in OAC 3745-27-60(B)(7). This includes the maintenance of a fire lane around the scrap tire storage piles of fifty-six feet wide.

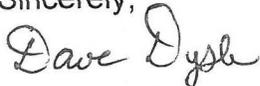
Debbie Hamberg
Lightner Tire Service
April 4, 2013
Page 3

2. Scrap tires stored in a building, including scrap tires under a covered structure shall comply with the requirements described in OAC 3745-27-60(B)(8). This includes the maintenance of an aisle between scrap tire storage piles of at least eight feet.
3. The site layout plan/plan view drawing should be revised to assist Lightner personnel, Ohio EPA and SCPH in determining compliance. The plan should indicate the locations of regrooved tire storage and scrap tire storage.
4. Scrap tires should not remain outside of a covered trailer or vehicle beyond the end of the current work shift. This includes the scrap tire pile in the southwest corner where the rims are being salvaged.
5. Even though Ohio EPA does not regulate "regrooved tires," the local health department and/or fire department may regulate them because the regrooved tires could still be considered a hazard to public health or safety, or a fire hazard.

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 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.

Please respond within 14 days of receiving this letter. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle
Environmental Specialist
Division of Materials and Waste Management

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