



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

May 2, 2013

**RE: THOMAS PETERS SCRAP TIRE
TRANSPORTER
NOTICE OF VIOLATION**

Thomas Peters
5206 Youngstown Poland Road
Youngstown, Ohio 44502

CERTIFIED MAIL 7012 1010 0002 2260 3063

Thomas Peters
6180 Tippercanoe Road
Canfield, Ohio 44406-9077

CERTIFIED MAIL 7012 1010 0002 2260 3049

John Meenachan
Interstate Auto
1214 Poland Avenue
Youngstown, Ohio 44502

CERTIFIED MAIL 7012 1010 0002 2260 3056

Dear Owner(s)/Operator(s):

On December 17, 2012, January 23, 2013, and March 26, 2013, Ohio Environmental Protection Agency (Ohio EPA) conducted inspections of the scrap tire sorting operation located at 1214 Poland Avenue, Youngstown, in Mahoning County. The property is owned by Mr. John Meenachan. He leases the property to Mr. Thomas Peters, who is operating an unregistered scrap tire transporter operation. I, representing Ohio EPA, Division of Material and Waste Management (DMWM), met with Mr. Peters on January 13, 2013, to review the scrap tire transporter operation. Mr. Peters had shipping papers and had been using the scrap tire registration number of Perrysville Iron and Metal, in Bowerston, Ohio. However, Mr. Peters did not have an original state issued scrap tire registration. Upon completion of the meeting with Mr. Peters and inspection of the 1214 Poland Avenue property, Ohio EPA identified the following violations:

1. **OAC 3745-27-56(A)(1)** states that "[a]ny person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code."

The owner/operator failed to comply with the registration requirement of this rule. Ohio EPA met Mr. Peters on January 23, 2013. At the time, Mr. Peters acknowledged that he is not a registered scrap tire transporter. During the meeting, Ohio EPA provided a copy of the scrap tire rules; OAC 3745-27-54; OAC 3745-27-55; OAC 3745-27-56; OAC 3745-27-57; and OAC 3745-27-60. Ohio EPA also provided a copy of the Scrap Tire Registration Application with instructions, an example scrap tire three-part shipping form, the financial assurance for the scrap tire facilities and transporters fact sheet, and the scrap tire shipping papers fact sheet (GD#639). Upon closure of the meeting, Mr. Peters indicated that he was unsure if he wanted to be involved with scrap tires any further. Upon inspection on March 26, 2013, Ohio EPA noted that scrap tires remain on the property. Therefore, the owner/operator must immediately

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cease acceptance of scrap tires and must have the remaining scrap tires transported by a legitimate scrap tire transporter as registered by Ohio EPA. Attached to this letter is a list of registered scrap tire transporters with the State of Ohio. In the meantime, if the owner/operator is interested in staying involved with scrap tires, then the owner/operator may submit a complete application for an annual registration certificate as required by section 3734.83 of the Revised Code. However, the scrap tire registration must be approved by the director of Ohio EPA prior to the transportation of scrap tires.

2. **OAC 3745-27-56(A)** states “[a]ny person transporting scrap tires in Ohio shall comply with the standards for transportation of scrap tires in this rule and the use of shipping papers in rule 3745-27-57 of the Administrative Code.”

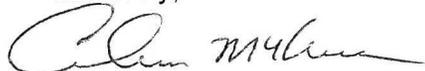
The owner/operator is in violation due to not having a scrap tire transporter registration issued by Ohio EPA. The owner/operator must immediately cease acceptance of scrap tires. The owner/operator cannot accept scrap tires without Ohio EPA approval. If approved, Ohio EPA reminds the owner/operator that every scrap tire transporter (vehicle) must have an original scrap tire transporter registration, pursuant to OAC 3745-27-56(C)(4), inside the vehicle at all times when scrap tires are transported.

The owner/operator needs to immediately take the necessary measures to return to compliance with Ohio’s environmental laws. Within 14 days of receipt of this letter, the owner/operator is 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 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 owner/operator is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

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
Enclosure

cc: File: [Singh/TIRE/Youngstown City/GEN/52]
DMWM # None