



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

June 4, 2013

**RE: ALL SHRED EXPRESS  
NOTICE OF VIOLATION**

**CERTIFIED MAIL 7012 1010 0000 9467 7186**

Joseph E. Senk  
All Shred Express  
9083 Akron Cleveland Road  
Northfield, Ohio 44067

Dear Mr. Senk:

On May 15, 2013, Ohio Environmental Protection Agency (Ohio EPA), inspected All-Shred located at 400 East Highland Road, Unit 3, Macedonia, Ohio 44056. You are the business operator. This letter provides a notice of violations regarding the open dumping of solid wastes (scrap tires) on the property.

On May 15, 2013, Ron Fodo, representing Ohio EPA, Special Investigations Unit, and I, representing Ohio EPA, Division of Materials and Waste Management (DMWM) inspected the business site at 400 East Highland Road, Macedonia. Also on May 15, 2013, after the inspection, Ron Fodo and I talked to you at your house at 9083 Akron Cleveland Road, Northfield. The purpose of the inspection was to determine compliance with Ohio's laws and rules regarding scrap tires and open dumping of solid wastes.

The inspection observations included:

1. Approximately 1,000 scrap tires at the south end of the parking lot. The tires were cut so that the treads were removed from the sidewalls. The tire sidewalls were missing.
2. One semi-trailer in poor condition. The trailer's front support legs were damaged. The front of the trailer was supported by wood pallets. The trailer was half-full of tire treads.
3. Some soil and wood mulch was mixed in with the tire treads. The mulch/soil was in the semi-trailer and on the parking lot.

Please see the attached three photos from the May 15, 2013 inspection. We did not look inside the building. No business personnel were present to unlock the door.

## **VIOLATIONS**

1. **Ohio Revised Code (ORC) 3734.03** Open dumping of solid wastes

This law states in part, "No person shall dispose of solid wastes by open burning or open dumping...No person shall dispose of treated or untreated infectious waste by open burning or open dumping."

All of the items listed in 1 through 3 above are open dumped solid wastes. To achieve compliance, you must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility. The scrap tires must be removed by a registered scrap tire transporter. Please send copies of the scrap tire shipping papers to Ohio EPA and Summit County Public Health. Also, you must provide copies of all disposal receipts to Ohio EPA and Summit County Public Health. You may recycle items such as the metal in the semi-trailer, provided that Ohio EPA approves of the recycling and receipts are provided to Ohio EPA and Summit County Public Health.

2. **Ohio Administrative Code (OAC) 3745-27-05(C)** Open dumping of solid wastes

This rule states in part, "No person shall conduct, permit, or allow open dumping."

All of the items listed in 1 through 3 above are open dumped solid wastes. To achieve compliance, you must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility. The scrap tires must be removed by a registered scrap tire transporter. Please send copies of the scrap tire shipping papers to Ohio EPA and Summit County Public Health. Also, you must provide copies of all disposal receipts to Ohio EPA and Summit County Public Health. You may recycle items such as the metal in the semi-trailer, provided that Ohio EPA approves of the recycling and receipts are provided to Ohio EPA and Summit County Public Health.

3. **Ohio Revised Code (ORC) 3734.78(C)** Registration for Scrap Tire Recovery Facility

Ohio EPA is aware that the cutting of the scrap tires occurred at your business at 400 East Highland Road, Macedonia, as reported by Julie Brown, Summit County Public Health. Cutting up scrap tires is a form of processing or scrap tire recovery. As such, you have illegally processed scrap tires without the required Ohio EPA license for a Class II Scrap Tire Recovery facility. Scrap tire recovery facilities are defined in Ohio Administrative Code (OAC) 3745-27-01 as any facility used for processing scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires.

ORC 3745.78(C) states,

“On and after the effective date of the rules adopted under section 3734.73 of the Revised Code, no person shall establish a new, or modify an existing, scrap tire recovery facility without first either registering with the director by submitting an application for a scrap tire recovery facility registration certificate with accompanying information regarding the facility and its method of operation or submitting to the director an application for a scrap tire recovery facility permit with accompanying engineering detail plans, specifications, and information regarding the facility and its method of operation, as determined by the applicant in accordance with rules adopted under section 3734.73 of the Revised Code, for approval under those rules and receiving a registration certificate or a permit issued by the director under this division.”

To comply with the above law, you must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility. The scrap tires must be removed by a registered scrap tire transporter. Please send copies of the scrap tire shipping papers to Ohio EPA and Summit County Public Health. Also, you must provide copies of all disposal receipts to Ohio EPA and Summit County Public Health. You may recycle items such as the metal in the semi-trailer, provided that Ohio EPA approves of the recycling and receipts are provided to Ohio EPA and Summit County Public Health.

4. **OAC 3745-27-61(A)(1)(a)** Registration for a Class II Scrap Tire Recovery Facility

This rule states, “An application for a registration certificate for a new facility along with a nonrefundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office, based on where the facility is to be located, at least 90 days prior to the date on which the applicant proposes to accept scrap tires at the facility.”

To comply with the above rule, you must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility. The scrap tires must be removed by a registered scrap tire transporter. Please send copies of the scrap tire shipping papers to Ohio EPA and Summit County Public Health. Also, you must provide copies of all disposal receipts to Ohio EPA and Summit County Public Health. You may recycle items such as the metal in the semi-trailer, provided that Ohio EPA approves of the recycling and receipts are provided to Ohio EPA and Summit County Public Health.

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5. **OAC 3745-37-01(A)** License for a Class II Scrap Tire Recovery Facility

This rule states, "No person shall conduct a 7municipal solid waste landfill, industrial solid waste landfill, residual solid waste landfill, compost facility, transfer facility, infectious waste treatment facility, or solid waste incineration facility operations without possessing a separate, valid license for each such operation, as required by Chapter 3734 of the Revised Code and the Administrative Code rules adopted thereunder. Each license shall be obtained from the board of health in the health district in which the facility is located, or by the director, if the director has assumed the licensing function for that health district."

To comply with the above rule, you must remove and properly dispose of all solid wastes at a licensed solid waste disposal facility. The scrap tires must be removed by a registered scrap tire transporter. Please send copies of the scrap tire shipping papers to Ohio EPA and Summit County Public Health. Also, you must provide copies of all disposal receipts to Ohio EPA and Summit County Public Health. You may recycle items such as the metal in the semi-trailer, provided that Ohio EPA approves of the recycling and receipts are provided to Ohio EPA and Summit County Public Health.

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 you 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 provide a written response to the above violations within 15 days of receipt of this letter. Please include a schedule and description of compliance activities. Should you have any questions, please call me at (330) 963-1286.

Sincerely,



Dave Dysle  
Environmental Specialist  
Division of Materials and Waste Management

cc: Holly Hillyer, DMWM, CO  
Ron Fodo, SIU, NEDO  
Julie Brown, Summit County Public Health  
City of Macedonia, Building and Zoning Department  
Matthew B. McCann, Property Owner  
File: [Sowers/TIRE/Summit/GEN/77]

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Front of semi-trailer containing scrap tire treads. The front legs of the trailer are broken and the trailer is supported by wood pallets.

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Near back of property and looking north.



Tire treads, wood pallets, mulch/soil and side view of semi-trailer trailer.