



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

Re: Howard's Auto Parts
Henry County
Notice of Violation

July 3, 2013

Mr. Larry Scott
Howard's Auto Parts
1085 State Route 65
Grand Rapids, Ohio 43522

Dear Mr. Scott:

On June 17, 2013, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted a partial inspection of Howard's Auto Parts (Facility) located at 1085 State Route 65, Grand Rapids, Ohio. The inspection was conducted in accordance with Ohio Administrative Code (OAC) Rule 3745-27-60 and OAC Rule 3745-27-61.

Description of Ohio EPA's observations of the Facility:

A discussion was had with you about the scrap tires currently found at the Facility. You stated that scrap tires at the Facility will be moved into a storage shed to keep them dry. You also provided documentation showing application of a larvicide on April 17, 2013, and May 22, 2013. You also stated that additional treatment would be occurring the week of this inspection.

Notification of violations of Ohio laws and rules:

The owner/operator of this site continues to be violation of the following rules and laws:

1. **OAC Rule 3745-27-05(C)** which states:
No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.
2. **Ohio Revised Code (ORC) Section 3734.81(A)** which states in pertinent part:
... no person shall operate a scrap tire collection, storage, monocell, monofill, or recovery facility without a license ...
3. **ORC Section 3734.76(C)** which states in pertinent part:
... no person shall establish a new, or modify an existing, scrap tire storage facility without first either registering with the director by submitting an application for a scrap tire storage facility registration certificate ...

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4. **OAC Rule 3745-27-60(B)(7)** applies to storage of scrap tires outside portable containers, semi-trailers, building or covered structure:

(a) Individual scrap tire storage piles shall be no greater than two thousand five hundred square feet in basal area and the total number of scrap tires shall not exceed the amount specified in paragraph (A) of rule 3745-27-61 of the Administrative Code. Scrap tire storage piles shall include any area where scrap tires are stored in racks. The two thousand five hundred square feet basal area shall apply to multiple racks and small scrap tire piles not separated from other racks, piles, or structures by a fire break at least fifty-six feet wide. The basal area of the scrap tire storage pile shall include the area of the tire piles, racks, and the area of any walkway or other open areas that do not meet the definition of a fire break as defined in rule 3745-27-01 of the Administrative Code.

Recommendations and other comments:

The owner/operator of Howard's Auto Parts should continue treating scrap tires for mosquitos and should refer to the Ohio EPA Guidance Document #646, which was distributed to you during the May inspection, or OAC Rule 3745-27-60(C) and OAC Rule 3745-60-(D) for additional information on the requirements for mosquito control.

Ohio EPA is aware of the large number of tires at the Facility and is willing to continue coordinating with the owner/operator of the Facility in a regulated draw down of scrap tires. Ohio EPA wishes to continue to work with the owner/operator of the Facility to return to compliance with Ohio's environmental laws.

The owner/operator of the Facility 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 of the Facility is requested to respond, in writing, detailing the following information:

1. The number of scrap tires that have been removed since the May 3, 2013, inspection.
2. Documentation of proper disposal of scrap tires. This can include receipts from registered scrap tires transporters, receipts from licensed scrap tire recovery facilities, or documentation (receipts) for the disposal of car bodies at a scrap metal processor (if the scrap tires are disposed of with the car bodies).
3. Provide a number of tires that will be removed each month in a regulated draw down effort and how disposal will be documented.

Please submit this response and/or any other pertinent documentation to:

Ohio EPA – NWDO
Attn: Curtis DeLong
347 N. Dunbridge RD
Bowling Green, OH 43402

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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.

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 the owner or operator, or others, from responsibility under Chapters 3704, 3714, 3734, or 6111 of the Ohio Revised Code or under the Federal Clean Water Act; Resources Conservation and Recovery Act; or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Please be advised that only a registered scrap tire transporter may transport more than ten (10) scrap tires in a load.

If you have any questions, please contact me at (419) 373-3033.

Sincerely,



Curtis DeLong, S.I.T.
Environmental Specialist II
Division of Materials and Waste Management

/llr

cc: File: DMWM-SW, Henry County, Tires

ec: Jeremy Scoles, DMWM-NWDO