



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

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

June 12, 2013

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

Dear Mr. Scott:

On May 3 and 14, 2013, I, representing the Ohio Environmental Protection Agency (Ohio EPA), conducted an inspection of Howard's Auto Parts (Facility), a motor vehicle salvage dealer (Permit #SD001436) 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. Sue Hardy of Ohio EPA was also present for the May 3, 2013 inspection. You represented the Facility during the inspection.

Description of Ohio EPA's observations of the Facility:

The weather during both inspections was clear and mild.

Scrap tires at the Facility are currently stored outside in a pile measuring approximately 50-ft by 150-ft (7,500 ft²) with a height of 8-ft and in one 48-ft semi-trailer (approximate length).

Scrap tires are defined in OAC Rule 3745-27-01(S)(6) as:

...a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as parts of scrap tires by visual inspection.

For purposes of this definition, "unwanted" means the original scrap tire generator, original owner or manufacturer of the tire no longer wants to use, or is unable to use the tire for its original purpose, and "discarded" means the original scrap tire generator, original owner, or manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred

X

Mr. Larry Scott
June 12, 2013
Page 2

OAC Rule 3745-27-61(A)(2)(c) states, "The premises of a business that removes tires from motor vehicles in the ordinary course of business on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet" is exempt from registration requirements. The Facility currently has greater than one scrap tire storage area of twenty-five hundred square feet.

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 ...
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.

Mr. Larry Scott
June 12, 2013
Page 3

Recommendations and other comments:

The owner/operator of Howard's Auto Parts is reminded that effective control measures for mosquitoes shall be implemented and maintained throughout the Facility. The owner/operator shall do one or more of the following to control mosquitoes at the Facility:

1. Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires.
2. Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times.
3. Within twenty-four hours of accepting scrap tires containing liquid, arrange for the application of a pesticide or larvicide, which is registered for use as mosquito control by the Ohio department of agriculture.

Please 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.

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 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 curtis.delong@epa.state.oh.us

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.

Mr. Larry Scott
June 12, 2013
Page 4

Please forward copies of receipts documenting disposal of scrap tires to the attention of Curtis DeLong, Division of Materials and Waste Management, Ohio EPA, Northwest District Office, 347 North Dunbridge Road, Bowling Green, Ohio 43402.

Please be advised that only a registered scrap tire transporter may transport ten (10) or more 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

/cg

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

ec: Jeremy Scoles, DMWM-NWDO