



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

September 20, 2013

**RE: LOU'S EASTSIDE TIRE
SCRAP TIRES
NOTICE OF VIOLATION
ST019847
MAHONING COUNTY**

Louis Paloci
Lou's Eastside Tire
690 Wilson Avenue
Youngstown, OH 44506

CERTIFIED MAIL 7012 3050 0001 8836 3560

Wade Daniels
690 Wilson Avenue
Youngstown, Ohio 44504

CERTIFIED MAIL 7012 3050 0001 8836 3539

The Honorable Chuck Sammarone
Mayor, City of Youngstown
26 South Phelps Street
Youngstown, Ohio 44503

CERTIFIED MAIL 7012 3050 0001 8836 3546

Michael Campana
234 Norwood Avenue
Youngstown, Ohio 44504

CERTIFIED MAIL 7012 3050 0001 8836 3553

Dear Owner/Operator:

On August 28, 2013, the Ohio Environmental Protection Agency (Ohio EPA) Division of Materials and Waste Management (DMWM) Northeast District Office (NEDO) inspected Lou's Eastside Tire (Facility) located at Wilson Avenue and Hine Street in Youngstown, Mahoning County, Ohio. I, representing Ohio EPA DMWM, conducted the inspections of four parcels (along Wilson Avenue) and on Hine Street. The inspections covered parcel numbers 53-024-033.00-0, 53-024-0-034.00-0, 53-024-0-031.00-0, 53-024-0-032.00-0, and on Hine Street (Properties). Mr. Paloci and Mr. Daniels were present for the inspection and granted Ohio EPA access. The purpose of the inspections was to assess compliance with the state of Ohio's scrap tires regulations.

Upon inspection of the Facility, Ohio EPA has identified that the owner(s)/operator(s) of Lou's Eastside Tire and the above referenced Properties in violation of the following:

1. **Ohio Revised Code (ORC) Section 3734.03** states, in part, *"No person shall dispose of solid wastes by open burning or open dumping. . . ."*

Ohio Administrative Code (OAC) Rule 3745-27-05(C) states, in part, *"No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or*

Louis Paloci, Lou's Eastside Tire
Wade Daniels
The Honorable Chuck Sammarone, Mayor, City of Youngstown
Michael Campana
September 20, 2013
Page 2

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.”

OAC Rule 3745-27-01(O)(4)(b) defines “open dumping” to include: *“the deposition of solid wastes that consist of scrap tires into waters of the state, and also means the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the [ORC]....”*

Mr. Daniels indicated that a load of scrap tires had just been picked up the previous day by ECH-O Tire Recycling, Inc. (ECH-O), a registered scrap tire transporter. Mr. Daniels also collected scrap tires along the eastern fence line of Hine Street and placed them under the trailer on site, and in a pile to be covered with tarps. Mr. Daniels indicated that he did not have the funds to properly dispose of the remaining scrap tires.

The owner(s)/operator(s) of Lou's Eastside Tire are responsible for the removal and appropriate disposal of a trailer full of scrap tires (1,100 scrap tires) and approximately 2,000 scrap tires placed on the ground. Mr. Daniels indicated that he has not heard back from Perrysville Iron and Metal (a.k.a. Arm Bender) that owns the trailer which is full of scrap tires. The owner(s)/operator(s), however, must continue working with a registered scrap tire transporter to remove the remaining scrap tires that are disposed on the ground and properly dispose of them.

2. **OAC Rule 3745-27-60(B)(4)(b)** states that *“[t]he 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...*

b. Other buildings or structures not owned or leased by the person storing the scrap tires by at least:

i. Fifty-six feet of separation if semi-trailers or other portable containers that have a volume of more than fifty-one cubic yards are used for scrap tire storage. Semi-trailers shall have enclosed sides, top, and doors such that the semi-trailer is capable of keeping the contents dry. Up to a maximum of ten semi-trailers or portable containers may be located adjacent to each other and the fifty-six feet of separation shall apply to all sides of the group of semi-trailers or portable containers. All semi-trailers and portable

Louis Paloci, Lou's Eastside Tire
Wade Daniels
The Honorable Chuck Sammarone, Mayor, City of Youngstown
Michael Campana
September 20, 2013
Page 3

containers shall be positioned such that any semi-trailer or portable container can be moved without moving any other semi-trailer, or container.

- ii. Twenty-five feet of separation if roll-off containers or box vans are used as portable containers for scrap tire storage. The roll-off containers and box vans shall each contain five hundred or less scrap tires or shall have a volume of fifty-one cubic yards or less and shall be capable of keeping the contents dry. Up to a maximum of ten portable containers may be located adjacent to each other and the twenty-five feet of separation shall apply to all sides of the group of containers. All containers shall be positioned such that any container can be moved without moving any other container.*

No scrap tires shall be left on the ground outside of semi-trailers, trucks, or portable containers beyond the end of the current work shift."

OAC Rule 3745-27-60(B)(7)(c) states that *"the following requirements apply to storage of scrap tires outside of portable containers, trucks, semi-trailers, a building or covered structure: scrap tire storage piles of five hundred scrap tires or less shall be at least twenty-five feet away from all buildings and other scrap tire storage piles."*

Scrap tires are stored on a public road (Hine Street) and along the fence line to SR 62/SR 7. A semi-trailer that is full of scrap tires, and has been full of scrap tires since this inspector's December 17, 2013 inspection. A semi-trailer is stored within 25 feet of the building owned by Michael Campana, and approximately 2,000 scrap tires are left on the ground outside of the semi-trailer.

The owner(s)/operator(s) failed to comply with the rules identified above and are therefore deemed to be a nuisance, a hazard to public health and safety, and a fire hazard. The owner(s)/operator(s) must continue working with a registered scrap tire transporter to remove the scrap tires that are inside the semi-trailer and on the ground and properly dispose of them.

- 3. OAC Rule 3745-27-60(C)(1)** states that *"anyone storing scrap tires shall maintain mosquito control [by one of the following]: (a) Remove liquids from scrap tires within twenty-four hours of accepting the scrap tires; (b) Store scrap tires such that water does not accumulate in scrap tires or containers. Tires shall be kept free of water at all times; or (c) 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."*

Louis Paloci, Lou's Eastside Tire
Wade Daniels
The Honorable Chuck Sammarone, Mayor, City of Youngstown
Michael Campana
September 20, 2013
Page 4

OAC Rule 3745-27-60(C)(2) states that *“anyone storing scrap tires shall maintain mosquito control by keeping all tires dry or by continuing applications of a pesticide or larvicide to all scrap tires stored outdoors at no greater than thirty-day intervals or as recommended by the manufacturer or formulator.”*

OAC Rule 3745-27-60(C)(3) states that *“anyone storing scrap tires shall maintain mosquito control records at the premises indicating the name, type, amount used per tire, and EPA registration number of the pesticide or larvicide, the date and time of the application, and the name of the person who applied the pesticide or larvicide. The property owner or the owner or operator of the premises shall make the mosquito control records available for inspection by the director or the health commissioner during normal operating hours. The owner or operator shall retain copies of mosquito control records for a minimum period of three years.”*

The owner(s)/operator(s) are in violation of the above requirements. Ohio EPA observed water inside the scrap tires, and the scrap tires were being stored in a manner that allows water to accumulate inside scrap tires. The presence of water allows the breeding of mosquitoes. No mosquito control records were maintained at the premises. Mr. Daniels indicated that his intention is to store the scrap tires under a tarp or under the semi-trailers. As such, the owner(s)/operator(s) would still be responsible for application of mosquito control until the scrap tires are removed and properly disposed.

Ohio EPA also noted that in order to store in excess of 1,000 scrap tires on the property, the owner(s)/operator(s) need to be registered as a scrap tire collection or storage facility. This facility is not a registered scrap tire collection or storage facility. These tires must be removed and properly transported and disposed of per OAC and ORC. The owner(s)/operator(s) are responsible for using a registered scrap tire transporter within state limits. Copies of shipping papers and receipts are necessary to document compliance with the rules.

The owner or operator of the Property 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 or operator of the Property 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.

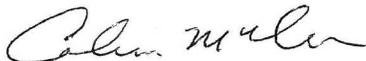
Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Louis Paloci, Lou's Eastside Tire
Wade Daniels
The Honorable Chuck Sammarone, Mayor, City of Youngstown
Michael Campana
September 20, 2013
Page 5

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, Resource Conservation and Recovery Act, or Comprehensive Environmental Response, Compensation, and Liability Act for remedying conditions resulting from any release of contaminants to the environment.

Should you have any questions, please contact me at (330) 963-1268, or colum.mckenna@epa.ohio.gov.

Sincerely,



Colum McKenna
Environmental Specialist
Division of Materials and Waste Management

CM/cl

cc: Lt. Fraiser, Youngstown Fire Department
Deputy W. Walker/Deputy Owens, Mahoning County Sheriff's Office
Jennifer Jones, Youngstown Litter Control
File: [Singh/TIRE/Youngstown, City/GEN/50]
DMWM #4586