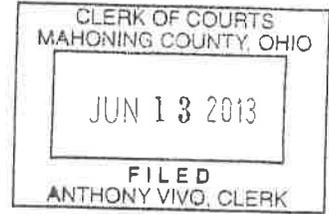


[Handwritten initials]

Pjm 3

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO



STATE OF OHIO, ex rel.
MICHAEL DEWINE
OHIO ATTORNEY GENERAL
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215-3400

CASE NO. 11CV3952

JUDGE D APOLITO

Plaintiff,

v.

JUDGMENT ENTRY

RRI OF OHIO, INC.
c/o Wilfred Page
765 Winona Drive
Youngstown, Ohio 44511

Final Appealable Order

and

MARK LEWIS
330 Dunbar Dr.
Pittsburgh, Pennsylvania 15235

Defendants.

The State of Ohio filed its Complaint on December 14, 2011. Successful service was made on Defendant RRI of Ohio, Inc. ("RRI") on December 23, 2011.

The State of Ohio filed a Motion for Default Judgment on May 18, 2012. On October 12, 2012, the Magistrate orally granted the State of Ohio a Default Judgment.

On December 18, 2012, the Court scheduled the civil penalty damages hearing for January 7, 2013. The hearing did not go forward as scheduled. In lieu of the hearing, this Court accepts the State of Ohio's affidavits on damages. The State of Ohio is requesting for civil

J 2844
4
000087



penalties to be accessed for violations that have occurred through April 16, 2013, though some of the violations continue on past this date.

The Court finds as follows, in accordance with the facts alleged in the State's Complaint and the State's affidavits:

1. The facts alleged in the State's complaint against RRI are deemed to be admitted by RRI given RRI's failure to answer.

2. The State's affidavits verify the allegations in the Complaint.

3. The State's affidavits establish the harm associated with the violations listed in its Complaint. Namely, Defendant RRI has illegally handled, stored, disposed, and reported tires, thereby harming the public health and safety. Jarnal Singh's Affidavit Paragraph x. and Joshua Adam's Affidavits Paragraph xii.

4. Further, the affidavits establish that RRI economically benefited by unlawfully accepting tires for storage in excess of the Facility's authorizing documents without increasing financial assurance monies needed to clean up the RRI Facility. Jarnal Singh Affidavit at Paragraph v. and Joshua Adams Affidavit at Paragraphs v.

5. Defendant RRI has been in violation of R.C. 3734.03 & Ohio Adm.Code 3745-27-05(C) for 1617 days of open dumping (from April 17, 2008 to September 20, 2012). (Count 1 of the Complaint) Jarnal Singh Affidavit at Paragraphs ii. and Joshua Adams Affidavit at Paragraph ii.

6. Defendant RRI has failed to maintain proper mosquito control in violation of Ohio Adm.Code 3745-27-60(C) for 28 days (from April 17, 2008 to May 15, 2008). (Count 2 of the Complaint) Jarnal Singh Affidavit at Paragraph ix.

7. Defendant RRI has failed to follow proper tire storage requirements in violation of Ohio Adm.Code 3745-27-65(F)(3) and 3745-27-65(D)(4) for 564 days (April 17, 2008 to December 2, 2009). (Counts 3 and 4 of the Complaint) Jarnal Singh Affidavit at Paragraph iii and Joshua Adams Affidavit at Paragraph iii.

8. Defendant RRI has failed to review and analyze its financial assurance cost estimates and to update its financial assurance in violation of Ohio Adm.Code 3745-27-15(D)(1) for 564 days (April 17, 2008 to December 2, 2009). (Count 5 of the Complaint) Jarnal Singh Affidavit at Paragraph v.

9. From January 31, 2008 to November 2, 2009, Defendant RRI committed a number of violations with regards to registration requirements for scrap tire transporters and scrap tire recovery facilities. These violations include RRI's failure to submit an application to modify the scrap tire facility at least 90 days in advance, failure to obtain a registration certificate prior to the modification to the facility, failure to submit an application for a Transporter Registration Certificate to Ohio EPA by January 31, 2008, and failure to timely submit a letter to OEPA informing the agency of RRI's intent to discontinue transporting tires beyond April 30, 2008 in violation of Ohio Adm.Code 3745-27-61(A)(1)(b), 3745-27-61(B), 3745-27-54(A)(1)(b)(i) and 3745-27-54(A)(1)(b)(ii) for 641 days (January 31, 2008 to November 2, 2009). The State has conservatively lumped its civil penalty request for these violations together. (Counts 6, 7 and 8 of the Complaint) Jarnal Singh Affidavit at Paragraph iv., vi., vii. and Josh Adam's Affidavit at Paragraph iv., vi., vii.

10. Defendant RRI has failed to submit a final report for closure of the scrap tire transporting operation and failed to submit a final annual Facility report in violation of Ohio Adm.Code 3745-27-56 (H)(2)(d) and 3745-27-66(C)(3)(d) for 1782 days (May 30, 2008 to

April 16, 2013). (Counts 9 and 10 of the Complaint). Jarnal Singh's Affidavit Paragraph viii. and Joshua Adams Affidavit at Paragraph viii. and ix.

11. Defendant RRI failed to conduct mandatory final closure of the Facility within 30 days as required by Director's Final Findings and Orders effective on November 2, 2009 and Ohio Adm.Code 3745-27-66(A)(3) for 1234 days (December 2, 2009 to April 16, 2013). (Count 11 of the Complaint) Joshua Adams Affidavit at Paragraphs ix. and Plaintiff's Exhibit 3 at pg. 3.

12. Defendant RRI failed to completely comply with Director's Final Findings and Orders issued on March 5, 2007 for the payment of a civil penalty in violation of R.C. 3734.01(A) for 2121 days (May 4, 2007 to April 16, 2013). (Count 12 of the Complaint) Joshua Adams Affidavits Paragraphs xi. and Plaintiff's Exhibit 4 at pg. 7.

It is the ORDER of this Court that:

A. Defendant RRI is permanently ordered and enjoined to comply with R.C. Chapter 3734 and the rules adopted thereunder;

B. Defendant RRI is permanently ordered and enjoined to comply with Director's Final Findings and Orders by conducting mandatory closure and paying the \$6336 in civil penalty required by such Orders.

C. Defendant RRI is permanently ordered and enjoined to cease the open dumping of scrap tires at the Property;

D. Defendant RRI is permanently ordered and enjoined to immediately and lawfully remove and lawfully dispose of all scrap tires from the Facility to a properly permitted and licensed disposal facility and provide documentation of proper transport and disposal to Ohio EPA.

E. Defendant RRI is ordered to conduct closure at the Facility within thirty (180) days of this Court's order;

F. Burnt tires and the destruction of the buildings housing the tires may require Defendant RRI to comply with other laws to perform tire removal and mandatory closure (namely, asbestos laws governed by Ohio Administrative Code 3745-20-01(B)(42)(d) and 40 CFR 61 Subpart M). Nothing in this Court Order shall be construed to authorize any waiver from the requirements of any applicable state or federal laws or regulations. This Court Order shall not be interpreted to release RRI 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.

G. Defendant RRI is preliminarily ordered and enjoined to perform mosquito control measures as required by Ohio Adm.Code 3745-27-60(C) as long as scrap tires are stored at the Facility;

H. Defendant RRI is ordered to pay a civil penalty in the amount of 1% of the maximum ten thousand dollars (\$10,000.00) per day for each violation alleged in Counts One and Twelve, and a civil penalty of 1% of the maximum five thousand dollars (\$5,000.00) per day for each violation alleged in Counts Two through Eleven for a total of six-hundred-nineteen-thousand-seven-hundred-fifty dollars (\$619,750.00), see Plaintiff's Exhibit 5;

I. Ohio EPA inspectors and others working in concert with them are granted immediate access to the Facility property in order to conduct inspections to assess any and all regulatory health and safety concerns attributable to the storage of tires at said site, to conduct other inspections, testing, or sampling as may be necessary, to monitor removal of the scrap tires

and closure of the Facility, and to monitor compliance with R.C. Chapter 3734 as well as any order of this Court; and

J. The State of Ohio, and those working in concert with it, are granted immediate entry upon the Property if Defendant RRI fails to close the Facility within 180 days of this Court's order, to enable proper removal and transport of tires to a scrap tire storage facility, pursuant to R.C. 3734.85.

All until further Order of the Court.



JUDGE LOU A D'APOLITO

CLERK : COPY TO ALL COUNSEL
OR UNREPRESENTED PARTY.

CERTIFICATE OF SERVICE

I, Robert Eubanks, hereby certify that a copy of the attached Proposed Judgment Entry was sent via regular U.S. mail on _____, 2013 to the following:

RRI OF OHIO, INC.
c/o Wilfred Page
765 Winona Drive
Youngstown, Ohio 44511

MARK LEWIS
330 Dunbar Dr.
Pittsburgh, Pennsylvania 15235



Robert Eubanks (0073386)



STATE OF OHIO :
 : SS
MAHONING COUNTY :

AFFIDAVIT

I, Joshua Adams, being sworn and duly cautioned, state as follows:

A. AFFIANT

1. I am employed by the Ohio Environmental Protection Agency (Ohio EPA) as an Environmental Specialist II in the Division of Materials and Waste Management (DMWM), Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087. From March of 2006 through the present date, I worked as an Environmental Specialist II in the Division of Solid and Infectious Waste Management (now called the Division of Materials and Waste Management) in Northeast District Office. My responsibilities during the period November 2008 through September 2012 included inspecting the RRI of Ohio, Inc. scrap tire facility located in Youngstown, Ohio. I function as an authorized representative of the Director of Ohio EPA for the purpose of inspecting facilities, areas or sites and reviewing environmental laws, facility licenses, license denials and Ohio EPA Director's Orders to determine compliance with Ohio's environmental statutes and regulations. I am a Registered Sanitarian.

2. My job responsibilities also include inspecting and reviewing the license and/or permits of licensed and registered solid waste facilities (including scrap tire processing facilities) and construction and demolition debris facilities as well as inspecting open dumps. I perform such inspections for the purpose of determining compliance with state laws and rules, including Ohio Revised Code (R.C.) Chapter 3734. (Solid and Hazardous Waste Requirements) and Chapter 3714. (Construction and Demolition Debris).

B. PREVIOUS INSPECTIONS AND RECORD REVIEW

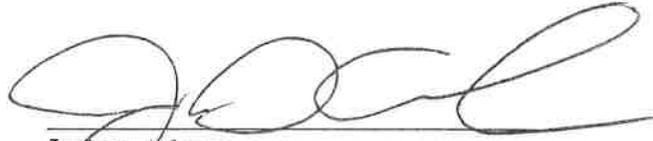
The following documents my findings during inspections conducted at the RRI of Ohio, Inc. (RRI) scrap tire recovery facility and from my review of Ohio EPA records regarding RRI;

- i) Based on my review of the RRI license, RRI was licensed to operate as a scrap tire recovery facility from January 1, 2006 to November 2, 2009. RRI lost its ability to operate as a scrap tire recovery facility through Director's Final Findings and Orders, which became effective on November 2, 2009. This November 2, 2009 date acts as the cut-off date for some of the operational violations I observed at the RRI Facility. This date also acts as the trigger date for the mandatory closure violations I discuss below.
- ii) For 275 days, from December 29, 2008 to September 30, 2009, RRI open dumped tires outside of the RRI Facility Boundaries in violation of R.C. 3734.03 & Ohio Adm. Code 3745-27-05(C). Once RRI lost its license on November 2, 2009, no tires were allowed to be stored even within the RRI Facility past December 2, 2009, pursuant to Ohio Adm. Code 3745-27-66(C)(3). However, from November 2, 2009 to the signing of this affidavit (1,261 days), RRI open dumped by failing to remove and dispose of tires that remained inside of the Facility Boundaries. I witnessed these ongoing and continuing violations during my inspection visits on the following dates: December 29, 2008, March 11, 2009, June 29, 2009, December 29, 2009, June 29, 2010, September 1, 2011 and September 20, 2012.
- iii) For 308 days, from December 29, 2008 to November 2, 2009 (the date RRI lost its license), RRI's continually failed to follow proper tire storage requirements by placing tires outside of the licensed and designated storage areas inside the RRI Facility in violation of Ohio Adm. Code 3745-27-65(F)(3) and 3745-27-65(D)(4). I witnessed these ongoing and continued violations during my inspection visits on the following dates: December 29, 2008, March 11, 2009, June 29, 2009, September 30, 2009, and December 29, 2009.
- iv) In order to place tires outside of the Facility boundaries and/or outside of the designated storage areas inside the Facility boundaries, Defendant RRI needed to modify the scrap tire facility and to obtain a registration certificate 90 days prior to the collection and storage of scrap tires. As stated above, from December 29, 2008 to December 29, 2009, I observed scrap tires placed outside of the proper storage area. Based on my review of Ohio EPA records, during this time period (for 365 days) RRI never modified and obtained a new registration certificate, in violation of Ohio Adm. Code 3745-27-54(A)(1)(b) and 3745-27-61(B).
- v) From April 17, 2008 to November 2, 2009, I witnessed RRI regularly accumulated and stored tires in excess of the 50,000 tires it was allowed to

store pursuant to its license and registration. Based on my review of the records, from April 17, 2008 to November 2, 2009, Defendant RRI failed to review and analyze its financial assurance cost estimates to account for the actual number of tires stored at the facility and to update its financial insurance accordingly, in violation of Ohio Adm.Code 3745-27-15(D)(1).

- vi) Based on my review of Ohio EPA records, RRI's Scrap Tire Transporter Registration expired on April 30, 2008. Ninety days before this April 30, 2008 date, RRI was required to submit a letter to Ohio EPA informing the agency of RRI's intent to discontinue transporting tires. Thirty days after this April 30, 2008 date, RRI was required to submit a final annual report for its Scrap Tire Transporter Registration.
- vii) From January 31, 2008 to July 28, 2008 based on my review of Ohio EPA records, RRI has failed to timely submit a letter to OEPA informing the agency of RRI's intent to discontinue transporting tires beyond April 30, 2008 in violation of Ohio Adm.Code 3745-27-54(A)(1)(b)(2).
- viii) From May 30, 2008 (30 days from April 30, 2008) to at least the date of this affidavit, based on my review of the records, RRI failed to submit a final annual report for the Scrap Tire Transporter Registration in violation of and Ohio Adm.Code 3745-27-56 (H)(2)(d).
- ix) From December 2, 2009 (30 days from RRI's November 2, 2009 license denial) to present, based on my review of the Ohio EPA records and RRI Facility inspections, Defendant RRI has failed to conduct mandatory final closure of the Facility and to submit a final annual Facility report in violation of Ohio Adm.Code 3745-27-66(A) and 3745-27-66(C)(2)(d).
- x) Based on my review of Ohio EPA records, RRI failed to comply with the March 5, 2007 and November 2, 2009 Director's Final Findings and Orders in violation of Ohio Revised Code 3734.11(A). RRI is in violation of the March 5, 2007 Orders for failure to pay the \$6336.00 in civil penalties required by such order. RRI is in violation of the November 2, 2009 Order because of its failure to conduct mandatory closure.
- xi) On May 31, 2012, I witnessed that the RRI Facility had burnt to the ground. I also witnessed that many of the tires that remained in the RRI facility acted as a fuel source for the fire which burnt the RRI Facility.
- xii) Based on my education and job experience, I know that burning tires can cause breathing and health issues related to the inhalation of toxic fumes and smoke. Burnt tires can also produce tire fire residuals that can lead to the contamination of the soils and to surface and ground water.

The information contained herein is true and accurate to the best of my knowledge and belief.



Joshua Adams
Ohio EPA, Northeast District Office
Division of Materials and Waste Management

Sworn to and subscribed in my presence on this 16th day of April, 2013.

WITNESS my hand and official seal.

(seal)



Notary Public

My commission expires on 9/25/2016.

000097



STATE OF OHIO :
 : SS
MAHONING COUNTY :

AFFIDAVIT

I, Jarnal Singh, being sworn and duly cautioned, state as follows:

A. AFFIANT

1. I am employed by the Ohio Environmental Protection Agency (Ohio EPA) as an Environmental Supervisor in the Division of Materials and Waste Management (DMWM), Northeast District Office, 2110 E. Aurora Road, Twinsburg, Ohio 44087. From June of 1995 through October 2012, I worked as an Environmental Specialist II in the Division of Solid and Infectious Waste Management (now called the Division of Materials and Waste Management) in Northeast District Office. My responsibilities during the period September 2005 through November 2008 included inspecting the RRI of Ohio, Inc. scrap tire facility located in Youngstown, Ohio. I function as an authorized representative of the Director of Ohio EPA for the purpose of inspecting facilities, areas or sites and reviewing environmental laws, facility licenses, license denials and Ohio EPA Director's Orders to determine compliance with Ohio's environmental statutes and regulations. I am a Registered Sanitarian.

2. My job responsibilities include inspecting and reviewing the license and/or permits of licensed and registered solid waste facilities (including scrap tire processing facilities) and construction and demolition debris facilities as well as inspecting open dumps. I perform such inspections for the purpose of determining compliance with state laws and rules, including Ohio Revised Code (R.C.) Chapter 3734. (Solid and Hazardous Waste Requirements) and Chapter 3714. (Construction and Demolition Debris).

B. PREVIOUS INSPECTIONS AND RECORD REVIEW

The following inspection reports document my findings during inspections conducted at the RRI of Ohio, Inc. (RRI) scrap tire recovery facility and from my review of Ohio EPA records regarding RRI;

- i) Based on my review of the RRI license, RRI was licensed to operate as a scrap tire recovery facility from January 1, 2006 to November 2, 2009. RRI lost its ability to operate as a scrap tire recovery facility through Director's Final Findings and Orders, which became effective on November 2, 2009. This November 2, 2009 date acts as the cut-off date for some of the operational violations I observed at the RRI Facility. This date also acts as the trigger date for the mandatory closure violations I discuss below.
- ii) For 256 days, from April 17, 2008 to December 29, 2008, I witnessed tires opened dumped outside of the RRI Facility Boundaries in violation of R.C. 3734.03 & Ohio Adm.Code 3745-27-05(C). I witnessed these ongoing and continuing violations during my inspection visits on the following dates: April 17, 2008, May 15, 2008, June 30, 2008 and December 29, 2008.
- iii) For 256 days, from April 17, 2008 to December 29, 2008, I witnessed RRI's failure to follow proper tire storage requirements by placing tires outside of the licensed and designated storage areas inside the RRI Facility in violation of Ohio Adm.Code 3745-27-65(F)(3) and 3745-27-65(D)(4). I witnessed these ongoing and continuing violations during my inspection visits on the following dates: April 17, 2008, May 15, 2008, June 30, 2008 and December 29, 2008.
- iv) In order to place tires outside of the Facility boundaries and/or outside of the designated storage areas inside the Facility boundaries, Defendant RRI needed to modify the scrap tire facility and to obtain a registration certificate 90 days prior to the collection and storage of scrap tires. As stated above, from April 17, 2008 to December 29, 2008, I observed scrap tires placed outside of the proper storage area. Based on my review of Ohio EPA records, during this time period (for 256 days) RRI never modified and obtained a new registration certificate, in violation of Ohio Adm. Code 3745-27-54(A)(1)(b) and 3745-27-61(B).

- v) From April 17, 2008 to November 2, 2009, I witnessed RRI regularly accumulated and stored tires in excess of the 50,000 tires it was allowed to store pursuant to its license and registration. Based on my review of Ohio EPA records, from April 17, 2008 to November 2, 2009 (564 days), Defendant RRI has failed to review and analyze its financial assurance cost estimates to account for the actual number of tires stored at the facility and to update its financial assurance, accordingly, in violation of Ohio Adm.Code 3745-27-15(D)(1).
- vi) Based on my review of Ohio EPA records, RRI's Scrap Tire Transporter Registration expired on April 30, 2008. Ninety days before this April 30, 2008 date, RRI was required to submit a letter to Ohio EPA informing the agency of RRI's intent to discontinue transporting tires. Thirty days after this April 30, 2008 date, RRI was required to submit a final annual report for its Scrap Tire Transporter Registration.
- vii) From January 31, 2008 to July 28, 2008 (for 179 days), based on my review of Ohio EPA records, RRI failed to timely submit a letter to OEPA informing the agency of RRI's intent to discontinue transporting tires beyond April 30, 2008 in violation of Ohio Adm.Code 3745-27-54(A)(1)(b)(2).
- viii) From May 30, 2008 (30 days from April 30, 2008) to at least the date of this affidavit (1779 days), based on my review of the records, RRI failed to submit a final annual report for the Scrap Tire Transport Registration in violation of and Ohio Adm.Code 3745-27-56 (H)(2)(d).
- ix) During my inspection on April 17th 2008, I observed scrap tires holding water within a dilapidated building adjacent to the RRI facility, which exposed the tires to rain water due to holes in the roof. I observed that the scrap tires exposed to water had been removed by May 15, 2008. Accordingly, these violations continued for 28 days.
- x) Based on my education and job experience, I know that the illegal storage of tires, open dumping and the failure to perform mosquito control on tires exposed to water can lead to serious hazards to human health and the environment. Failure to perform mosquito control can lead to disease and cause general nuisance. The open dumping of tires can serve as fuel source for a fire, which can cause additional harms. Burnt tires can cause breathing problems related to the inhalation of toxic fuels and smoke resulting from burnt tires. Burnt tires can also produce tire fire residuals that can lead to the contamination of the soils and to surface and ground water.

xi) On January 7, 2013, I witnessed that the RRI facility had burnt to the ground.

The information contained herein is true and accurate to the best of my knowledge and belief.

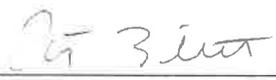


Jarnal Singh
Ohio EPA, Northeast District Office
Division of Materials and Waste Management

Sworn to and subscribed in my presence on this 10th day of May, 2013.

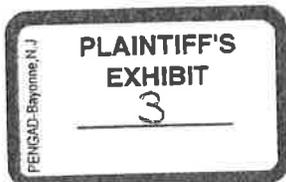
WITNESS my hand and official seal.

(seal)



Notary Public

My commission expires on Sept. 25, 2016.



License Denial-Final

State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, OH 43216-1049

November 2, 2009

Mark Lewis, President
RRI of Ohio, Inc.
One Gateway Center, Suite 500
420 Ft. Duquesne Blvd.
Pittsburgh, PA 15222

CERTIFIED MAIL

Director's Final Findings & Orders

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

cc: Bruce McCoy, CO, DSIWM
Lynn Sowers, NEDO, DSIWM
Jeff Hurdley, CO, Legal

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Ohio EPA is an Equal Opportunity Employer

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: John Lassiter Date: 11-2-09

Issuance Date: SEP 14 2009

Effective Date: NOV 02 2009

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

RRI of Ohio, Inc.
1165 Brittain Street
Youngstown, Ohio 44502

Director's Final Findings
and Orders

OHIO E.P.A.
NOV - 2 2009
ENTERED DIRECTOR'S JOURNAL

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to RRI of Ohio, Inc. (RRI) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Sections 3734.05 and 3734.09, and Ohio Administrative Code (OAC) Chapter 3745-37.

II. PARTIES BOUND

These Orders shall apply to and be binding upon RRI, and any successors in interest liable under Ohio law. No change in ownership of RRI, or of the Facility, as hereinafter defined, shall in any way alter RRI's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA (Director) has determined the following findings:

1. RRI is the owner of a parcel of land identified in the records of the Mahoning County Recorder's office by quit-claim deed recorded November 23, 2004, in volume 5492, pages 269 through 271, as permanent parcel number 530390244000.
2. RRI is an "owner" and "operator," as those terms are defined by OAC Rules 3745-27-01(O)(7) and (O)(5), of a "scrap tire recovery facility," as that term is defined by OAC Rule 3745-27-01(S)(13), on said parcel. This scrap tire recovery facility is a solid waste facility and has a listed address of 1165 Brittain Street, Youngstown (Mahoning County), Ohio (hereinafter referred to as the "Facility").
3. Ohio EPA is the licensing authority for the City of Youngstown and for the Facility.

4. On December 23, 2005, Ohio EPA issued a 2006 Solid Waste Facility license to RRI for a Class II Scrap Tire Recovery Facility.
5. Ohio EPA and RRI entered into consensual Director's Final Findings and Orders on March 5, 2007 to resolve violations of: OAC Rules 3745-27-65(C)(4), (C)(10), D(4), (F)(3), and (J)(2). The March 5, 2007 Orders detailed actions to be performed by RRI to remedy the noted violations of Ohio's solid waste regulations and laws.
6. On March 9, 2007, Ohio EPA issued RRI a 2007 Solid Waste Facility license for a Class II Scrap Tire Recovery Facility.
7. By notice of violation (NOV) letter dated November 30, 2007, Ohio EPA informed RRI of violations of OAC Rules 3745-27-65(D)(4) and (F)(3) at the Facility.
8. On December 6, 2007, Ohio EPA reinspected the Facility and observed no violations of scrap tire storage requirements. As such, on December 27, 2007, Ohio EPA issued RRI a 2008 Solid Waste Facility license for a Class II Scrap Tire Recovery Facility.
9. By NOV letter dated January 18, 2008, Ohio EPA informed RRI again of violations of OAC Rules 3745-27-65(D)(4) and (F)(3) at the Facility.
10. By NOV letters dated May 9, 2008, June 2, 2008, July 15, 2008, October 24, 2008, February 5, 2009, and March 30, 2009, Ohio EPA informed RRI of violations at the Facility and/or violations at buildings adjacent to the Facility.
11. On October 2, 2008, Ohio EPA received RRI's application for a 2009 Solid Waste Facility license for the Facility.
12. On September 11, 2009, Ohio EPA sent RRI an invitation to negotiate proposed Director's Findings and Orders to resolve violations of OAC Rule 3745-27-15(D)(1); OAC Rule 3745-27-56(H)(2)(d); OAC Rules 3745-27-61(A)(1)(b) and (B); OAC Rules 3745-27-65(D)(4), (F)(3), (H)(2)(b) and (J)(3); and ORC Section 3734.03 and OAC Rule 3745-27-05(C).
13. The violations cited in the NOV letters referenced in Findings No. 9 and 10 and the ITN referenced in Finding 12 establish that RRI has not maintained substantial compliance with the applicable provisions of ORC Chapter 3734, OAC rules, and the registration and license issued thereunder.
14. OAC Rule 3745-37-03 sets forth the criteria for issuing solid waste facility licenses. Pursuant to OAC Rule 3745-37-03(A)(3), the licensing authority shall not issue a solid waste license unless the applicant has operated the facility in substantial compliance with all applicable provisions of ORC Chapter 3734 and with OAC Chapters 3745-27 and 3745-37 during the period of effectiveness of the last license held for the facility.

15. Pursuant to OAC Rule 3745-37-03(A)(3), because RRI has not maintained substantial compliance with the applicable provisions of ORC Chapter 3734 and OAC Chapters 3745-27 and 3745-37, as evidenced in Finding No. 13, the Director, as the licensing authority, cannot issue a solid waste facility license to RRI for the Facility.

V. ORDERS

1. The 2009 Solid Waste license for the Facility located at 1165 Brittain Street, Youngstown, Mahoning County, Ohio is hereby denied.
2. Pursuant to OAC Rule 3745-27-65, RRI shall immediately cease acceptance of scrap tires at the Facility and shall commence final closure activities in accordance with the applicable provisions of OAC Rule 3745-27-66.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to RRI.

VII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against RRI for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require RRI to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of RRI to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of RRI. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief from RRI for violations which may occur at the Facility.

IT IS SO ORDERED


Chris Korleski, Director
Ohio Environmental Protection Agency



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

March 5, 2007

CERTIFIED MAIL

RRI of Ohio, Inc.
1165 Brittain Street
Youngstown, OH 44502

Director's Final Findings & Orders

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

cc: Ed Gortner, CO, DSIWM
Jeff Hurdley, CO, Legal
Murat Tukel, NEDO, DSIWM

000106

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY DIRECTOR'S JOURNAL

In the Matter Of:

RRI of Ohio, Inc.
1165 Brittain Street
Youngstown, Ohio 44502

Director's Final Findings
and Orders

Respondent

I certify this to be a true and accurate copy of the
official documents as filed in the records of the Ohio
Environmental Protection Agency.

PREAMBLE

It is agreed by the parties hereto as follows:

By: [Signature] Date: 3-5-07

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to RRI of Ohio, Inc., ("Respondent"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13, 3734.85, and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and its successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

- Respondent is the owner of a parcel of land identified in the records of the Mahoning County Recorder's office by quit-claim deed recorded November 23, 2004, in volume 5492, pages 269 through 271, as permanent parcel number 530390244000 (hereinafter referred to as the "Facility"). The Facility is located at 1165 Brittain Street, Youngstown (Mahoning County), Ohio.

2. Respondent is incorporated under the laws of the State of Ohio and is a "person" as that term is defined in ORC Section 3734.01(G) and Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).
3. Respondent is the "property owner" as that term is defined in Ohio Administrative Code ("OAC") Rule 3745-27-01(O)(7).
4. On September 6, 2005, Ohio EPA issued a Solid Waste Facility Registration ("Registration") to Respondent. Ohio EPA issued the Registration with the following special conditions:
 - a. No temporary outdoor storage of scrap tires shall be permitted.
 - b. Indoor storage is limited to two (2) piles each no larger than twenty-four hundred (2,400) square feet in basal area of whole tires and one (1) pile of finished product storage with a basal area of 1440 square feet.
 - c. Any changes in facility operations or storage must be approved by Ohio EPA prior to the change being implemented.
5. The Youngstown City Health Department is not on the approved list maintained pursuant to OAC Rule 3745-37-08. Therefore, Ohio EPA administers and enforces the solid and infectious waste program in Youngstown.
6. On December 23, 2005, Ohio EPA issued Respondent a 2006 Solid Waste Facility License for a Class II Scrap Tire Recovery Facility. This license expires on December 31, 2006.
7. On December 5, 2006, Ohio EPA received Respondent's application for a 2007 Solid Waste Facility License for a Class II Scrap Tire Recovery Facility.
8. In accordance with to OAC Rule 3745-27-04, "...the director shall either grant or deny a solid waste facility license within ninety days of the date upon which a complete application is received[.]"
9. On February 23, 2006, Ohio EPA conducted an inspection of the Facility and observed the following violations:
 - a. OAC Rule 3745-27-65(C)(4), failure to have a copy of the solid waste license and a copy of the approved permit to install or registration certificate for the facility available upon inspection;

- b. OAC Rule 3745-27-65(C)(10), failure to post a sign on the external wall at the entrance to the facility;
- c. OAC Rule 3745-27-65(D)(4), failure to store scrap tires only in areas designated for temporary storage (as approved in the Facility's Registration).

Ohio EPA informed Respondent of these violations in an NOV letter dated March 3, 2006.

- 10. On March 9, 2006, Ohio EPA conducted an inspection of the Facility, observed that violations identified during the previous inspection had been corrected, and did not identify any new violations. Ohio EPA memorialized the inspection in correspondence to Respondent dated March 14, 2006.
- 11. On March 22, 2006, Ohio EPA conducted an inspection of the Facility and did not identify any violations. Ohio EPA memorialized the inspection in correspondence to Respondent dated April 3, 2006.
- 12. On April 5, 2006, Ohio EPA conducted an inspection of the Facility and did not identify any violations. Ohio EPA memorialized the inspection in correspondence to Respondent dated April 12, 2006.
- 13. On April 19, 2006, Ohio EPA conducted an inspection of the Facility and did not identify any violations. Ohio EPA memorialized the inspection in correspondence to Respondent dated April 21, 2006.
- 14. On May 3, 2006, Ohio EPA conducted an inspection of the Facility and did not identify any violations, although the inspector noted that scrap tire bead rings were beginning to accumulate. Ohio EPA memorialized the inspection in correspondence to Respondent dated May 8, 2006.
- 15. On June 8, 2006, Ohio EPA conducted an inspection of the Facility and observed that truck tires were being stored along the inside perimeter walls, which is outside of the approved temporary storage areas. Failure to store scrap tires only in areas designated for temporary storage (as approved in the Facility's Registration) is a violation of OAC Rule 3745-27-65(D)(4). Ohio EPA informed Respondent of this violation in an NOV letter dated June 13, 2006.
- 16. On October 16, 2006, Ohio EPA conducted an inspection and observed an excessive amount of scrap tires at the Facility. Although the tire shredder was inoperable, Respondent continued to accept and store scrap tires at the Facility, causing the following violations:

- a. OAC Rule 3745-27-65(D)(4), failure to store scrap tires only in areas designated for temporary storage (as approved in the Facility's Registration);
- b. OAC Rule 3745-27-65(F)(3), exceeding twenty five hundred square feet in basal area for scrap tires storage piles in an enclosed building; and failure to maintain an aisle width of at least eight feet between scrap tire storage piles;

Ohio EPA informed Respondent of these violations in an NOV letter dated December 18, 2006.

20. On December 28, 2006, Ohio EPA conducted an inspection and observed a reduction in the excess scrap tires stored at the Facility. The shredder equipment was in operation at the time of inspection. Ohio EPA observed continued progress toward compliance. However, the following violations continue:

- a. OAC Rule 3745-27-65(D)(4);
- b. OAC Rule 3745-27-65(F)(3); and
- c. OAC Rule 3745-27-65(J)(2) for failure to produce past records.

Ohio EPA informed Respondent of these violations in an NOV letter dated January 9, 2007.

21. To date, Respondent remains in violation of the conditions of registration and licensure and of OAC Rule 3745-27-65 for failure to operate a scrap tire facility in accordance with the requirements and operational criteria specified therein. Approximately 8,000 excess truck tires and 15,000 to 20,000 excess passenger tire equivalents remain at the Facility, as confirmed by Ohio EPA's inspection conducted on December 28, 2006 and NOV to Respondent dated January 29, 2007.
22. The Facility is located within the City of Youngstown (population 82,026), is approximately one quarter (1/4) mile north of Interstate 680 (at least 50,000 vehicles traverse daily). There are nine schools, four hospitals, and two nursing homes located within a five mile radius.
23. In consideration of Respondent's Facility being located within the City of Youngstown and in close proximity to sensitive sub-populations, e.g., schools, hospitals, and nursing homes; and in consideration of a tire fire's potential to hinder traffic on Interstate 680 and to affect sensitive populations, the Director has determined that the accumulation of scrap tires and scrap tire shreds at Respondent's Facility exceeds conditions of registration and constitutes a danger to the public health or safety or to the environment.

- a. OAC Rule 3745-27-65(D)(4), failure to store scrap tires only in areas designated for temporary storage (as approved in the Facility's Registration);
- b. OAC Rule 3745-27-65(F)(3), exceeding twenty five hundred square feet in basal area for scrap tires storage piles in an enclosed building; and failure to maintain an aisle width of at least eight feet between scrap tire storage piles;
- c. OAC Rule 3745-27-65(J)(2), failure to record facility operations in a daily log and make those documents available for inspection.

Ohio EPA informed Respondent of these violations in an NOV letter dated October 27, 2006.

17. Ohio EPA received a response to the October 27, 2006 NOV on November 17, 2006. Respondent admitted that tire shredding equipment at the Facility had been inoperable for several months. Additionally, incompetent Facility management had resulted in an accumulation of scrap tires that exceeded the Facility's authorizing documents. Respondent went on to state that the equipment would be repaired and the Facility was taking measures to reduce the number of tires to an acceptable amount by the middle of December 2006.
18. On November 14, 2006, Ohio EPA conducted an inspection and observed an estimated 73,000 scrap tires were stored at the Facility. Respondent informed the inspector that the repairs to the shredder had been completed and shredding was to commence on the following day. Ohio EPA observed the following violations:
 - a. OAC Rule 3745-27-65(D)(4), failure to store scrap tires only in areas designated for temporary storage (as approved in the Facility's Registration);
 - b. OAC Rule 3745-27-65(F)(3), exceeding twenty five hundred square feet in basal area for scrap tires storage piles in an enclosed building; and failure to maintain an aisle width of at least eight feet between scrap tire storage piles;
 - c. OAC Rule 3745-27-65(J)(2), failure to record facility operations in a daily log and make those documents available for inspection.Ohio EPA informed Respondent of these violations in an NOV letter dated November 17, 2006.
19. On December 13, 2006, Ohio EPA conducted an inspection and observed a decrease in the number of scrap tires stored at the Facility. Respondent informed the inspector that approximately 20,000 passenger tire equivalents had been processed since the last inspection. Ohio EPA observed the following violations:

24. ORC Section 3734.85 provides that, "[i]f the director determines that an accumulation of scrap tires constitutes a danger to the public health or safety or to the environment, he shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation of scrap tires directing that person, within one hundred twenty days after the issuance of the order, to remove the accumulation of scrap tires from the premises on which it is located and transport the tires to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state.

V. ORDERS

Respondent shall achieve compliance with ORC Chapter 3734. and the rules promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, Respondent shall record Facility operations in a daily log and make those documents available for inspection, in accordance with OAC Rule 3745-27-65(J)(2).
2. Not later than thirty (30) days after the effective date of these Orders, Respondent shall remove all tire beads from the Facility and arrange for their disposal at a licensed solid waste disposal facility.
3. Not later than forty-five (45) days after the effective date of these Orders, Respondent shall process or cause the removal of all excess scrap tires from the Facility so that the Facility's scrap tire storage complies with OAC Rules 3745-27-65 (D)(4) and (F)(3)(a) and (b). All excess scrap tires removed from the Facility for disposal shall be transported by a registered scrap tire transporter:
 - a. to a scrap tire storage, monofill, monocell, or recovery facility licensed under ORC Section 3734.81; or to such a facility in another state operating in compliance with the laws of that state; or
 - b. to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state.
4. Respondent shall not accept additional scrap tires for processing at the Facility until Orders No. 1, 2, and 3 are completed, and Ohio EPA has confirmed the Facility's compliance.

000112

5. Respondent shall obtain receipts from the solid waste disposal facility indicating weight or volume of tire beads disposed and shall forward such documentation to Ohio EPA within seven (7) days after completion of Order No. 1.
6. Provided that Respondent disposes of excess scrap tires, Respondent shall obtain receipts from the registered transporter and the authorized scrap tire facility or solid waste disposal facility indicating weight, volume or number of scrap tires transported and disposed and shall forward such documentation to Ohio EPA within seven (7) days after completion of Orders No. 2.
7. In accordance with ORC Section 3734.85(A), if Respondent has not removed all scrap tires and scrap tire beads from the Facility in accordance with Orders No. 2 and 3, above, Respondent shall provide the Director and his employees, representatives and contractors with access to the Facility to perform whatever measures the Director considers reasonable and necessary to remove and properly manage the scrap tires located on the Facility.
8. If the Director removes the scrap tires and scrap tire beads from the Facility, Respondent shall reimburse the Director, within thirty (30) days after written request, for the costs incurred by the Director for conducting the removal operation, storing at a scrap tire storage facility, storing or disposing at a scrap tire monocell or monofill facility, processing scrap tires so removed, the transporting of the scrap tires from the Facility to the scrap tire storage, monocell, monofill, or recovery facility where the scrap tires were stored, disposed of, or processed, and for the administrative and legal expenses incurred by the Director in connection with the removal operation.
9. Respondent shall pay Ohio EPA the amount of \$8,336.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., and which will be deposited into the environmental remediation fund established pursuant to ORC Section 3734.281. Payments shall be made by official checks made payable to "Treasurer, State of Ohio" according to the following schedule:

Within sixty (60) days after the effective date of these Orders, Respondent shall pay the first civil penalty installment in the amount of \$833.60. Respondent shall continue to make payments in the amount of \$833.60 every thirty days, thereafter, until the full amount of the penalty has been paid.
10. The official checks shall be submitted to Ohio EPA, Lazarus Government Center, Office of Fiscal Administration, 50 West Town, Suite 700, Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent and the Facility. A

copy of the checks shall be sent to Ohio EPA, Lazarus Government Center, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, 50 West Town Street, Suite 700, Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Enforcement Coordinator of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation from Respondent: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent or the Facility.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

000114

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northeast District Office
Division of Solid and Infectious Waste Management
1110 E. Aurora Road
Twinsburg, Ohio 44087-1969
Attn: Unit Supervisor, DSIWM

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XI. of these Orders.

XIII. EFFECTIVE DATE

The effective date of the Orders is the date these Orders are entered into the Ohio

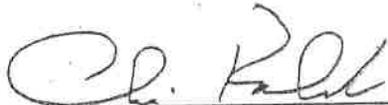
EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency



Chris Korleski
Director

IT IS SO AGREED:

RRI of Ohio, Inc.


Signature

2/28/07
Date

Count	Violation	Days of Violation	Description of Harm	Recalcitrance	Statutes / Rules Violated	Statutory Maximum	Total Penalty for Violation at 1% of Statutory Maximum
Count One	Open Dumping. Date range: 4/17/08 to 9/20/12	1617	potential for fire, vector habitat & the State left to remediate	Defendants brought in more tires than permitted & hid them from OEPA.	ORC 3734.03 & OAC 3745-27-05(C)	\$10,000/day	\$ 161,700.00
Count Two	Failure to apply/arrange for the application of a pesticide/larvicide, registered for use for mosquito control by the ODA at no greater than thirty-day intervals. Date range: 4/17/08 to 5/15/08	28	potential for vector habitat & disease transmission	Defendants brought in more tires than permitted & hid them from OEPA.	OAC 3745-27-60(C)	\$5,000/day	\$ 1,400.00
Counts Three & Four	Failure to store tires according to requirements for inside storage: piles > 2500 sf in basal area; aisles between tires storage piles >= 8 ft; failure to store scrap tires only in areas designated for temporary storage; failure to only store scrap tires in the scrap tire storage area. Date range: 4/17/08 to 11/2/09	564	potential for fire & unsafe conditions	Rules are uncomplicated; State available to answer questions and yet Defendants purposefully violated the Scrap Tire Registration.	OAC 3745-27-65(F)(3)(a)&(b); OAC 3745-27-65(D)(4)	\$5,000/day	\$ 28,200.00
Count Five	Failure to annually review & analyze the closure cost estimate and make any appropriate revisions to the estimate & to the FA Instrument. Date range: 4/17/08 to 11/2/09	564	Defendants increased number of stored tires without having adequate financial assurance	Defendants were placed on notice about the law and purposefully avoided it.	OAC 3745-27-15(D)(1)	\$5,000/day	\$ 28,200.00
Counts Six, Seven & Eight	Failure to submit an application to modify the scrap tire facility; failure to obtain a registration certificate prior to collection and storage of scrap tires; transporting scrap tires w/o a transporter registration certification 5/1/08 to 7/28/08 when RRI submitted a letter informing OEPA of RRI's intent to discontinue transporting tires beyond 4/30/08. Date range: 1/31/08 to 11/2/09	641	Failing to file the paperwork was an attempt to conceal illegal stored tires placed out of the sight of the inspectors	Defendants' failure to comply undermines OEPA's ability to enforce scrap tire rules.	OAC 3745-27-61(A)(1)(b); OAC 3745-27-61(F) & OAC 3745-27-54(A)(1)(b)(i) & (b)(iii)	\$5,000/day	\$ 32,050.00
Counts Nine & Ten	Failure to submit a final annual report for the scrap tire transporting operation. Failure to submit a final annual Facility report. Date range: 5/30/08 to 4/16/13	1782	owner/operator failed to comply with rules for operating a scrap tire facility	Defendants' failure to comply undermines OEPA's ability to enforce scrap tire rules.	OAC 3745-27-56 (H)(2)(c); OAC 3745-27-66 (C)(3)(d)	\$5,000/day	\$ 89,400.00
Count Eleven	Failure to conduct mandatory final closure of the Facility within thirty days after final denial of license on 11/2/09; Date range: 12/2/09 to 4/16/13	1234	owner/operator failed to comply with Director's final action & rules for operating a scrap tire facility	Defendants' failure to comply undermines OEPA's ability to enforce scrap tire rules.	ORC 3734.11(A); OAC 3745-27-66 (A)(3)	\$5,000/day	\$ 61,700.00
Count Twelve	Failure to comply with Director's Final Findings and Orders Issued 3/5/07. Date range: 5/4/07 to 4/16/13	2174	owner/operator failed to comply with Director's final action & pay \$6,336 of agreed to penalty	Defendants' failure to pay the civil penalty undermines OEPA's ability to enforce scrap tire rules.	ORC 3734.11(A)	\$10,000/day	\$ 217,400.00



000117