



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

APRIL 11, 2019

Jared Stemple
P.O. Box 179
Barlow, Ohio 45712

**Re: Stemple Hickman Road Property
Director's Authorization
Approval
Scrap Tires
Washington County
BENU023215**

**Subject: Stemple Hickman Road Property, Washington County
Scrap Tire Beneficial Use Approval**

Ohio EPA APR 11 '19
Entered Directors Journal

Dear Mr. Stemple:

On October 4, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central Office received your application to beneficially use scrap tires on property you own located at 320 Hickman Road, Waterford, Washington County, Ohio (Site) Parcel ID 120050789000.

The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-78(F), which requires that the Director of Ohio EPA (Director) approve scrap tire beneficial use projects that are not specifically authorized in OAC Rules 3745-27-78(D) or (E). In the request, you are asking to maintain an existing, historic retaining wall that contains approximately 100 scrap tires at the Site.

Ohio EPA has reviewed the submitted information and has determined it meets the applicable requirements. Therefore, pursuant to OAC Rule 3745-27-78, I hereby approve your project plan for the beneficial use of scrap tires at the Site. As part of the beneficial use approval, you as the owner (Owner) of the Site are subject to the following conditions:

CONDITIONS

1. The scrap tires that have subsided from the existing retaining wall (approximately 30 scrap tires) shall be properly disposed of by the Owner within thirty (30) days of receipt of this beneficial use approval letter.
2. The Owner shall continue to remove and properly dispose of any scrap tires that subside from the retaining wall within thirty (30) days of subsidence and scrap tires that subside shall not be replaced in the retaining wall located at the Site.

3. Any scrap tires removed from the Site in quantities of eleven (11) or more shall be transported by a registered scrap tire transporter. For tires transported from the Site by a registered scrap tire transporter, shipping papers must be retained on Site for a period of no less than three years. If tires are removed from the site in loads of ten (10) tires or less, use of a registered transporter is not required.
4. If the scrap tires are removed from the approved beneficial use at the Site, they shall be managed in accordance with Ohio's scrap tire regulations, and sent to an authorized solid waste disposal facility or scrap tire collection, storage or recovery facility.
5. Additional scrap tires shall not be added to the retaining wall under this beneficial use authorization. Any future action to rebuild the scrap tire retaining wall utilizing scrap tires will require additional approval by Ohio EPA prior to construction.
6. Upon identification, the Director or an authorized representative may enter the Site to monitor compliance with this approval and the general scrap tire storage and handling requirements specified in OAC 3745-27-60 (attached).
7. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal or state laws or regulations. This letter shall not be interpreted to release the Owner from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants to the environment.

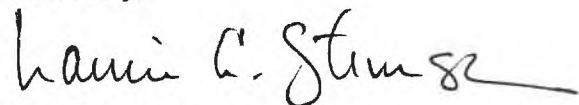
END OF CONDITIONS

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Erika Jackson, DMWM-SEDO at (740) 380-5228.

Sincerely,

A handwritten signature in black ink that reads "Laurie A. Stevenson". The signature is written in a cursive style with a long, sweeping underline.

Laurie A. Stevenson
Director

ec: Erika Jackson, DMWM-SEDO
Rich Fox, DMWM-SEDO