



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

CERTIFIED MAIL

APRIL 30, 2019

Brandon Walsh
LKQ Corporation
2030 Lucas Lane
Nashville, Tennessee 37207

**Re: LKQ Triplett ASAP Inc.
Director's Authorization
Approval
Scrap Tires
Montgomery County
BENU023183**

**Subject: LKQ Triplett ASAP Inc., Montgomery County
Scrap Tire Beneficial Use Approval**

Dear Mr. Walsh:

Ohio EPA APR 30 '19
Entered Directors Journal

On September 27, 2018, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office received an application from LKQ Triplett ASAP Inc. to beneficially use scrap tires on the property located at 4283 N. James H McGee Boulevard in Dayton, Montgomery County (Site).

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 Rule 3745-27-78(D) or (E). In the request, your company asks to manufacture tire stands from scrap tires. The purpose of the tire stands would be to keep vehicles elevated so that customers can access parts on used motor vehicles.

Ohio EPA's jurisdiction is limited to determining whether the manufacturing of tire stands from scrap tires is a beneficial use of the scrap tires. Ohio EPA has no jurisdiction over the stability or safety of the tire stand manufacturing process, or the intended use of the tire stand to support the weight of a vehicle. Ohio EPA's jurisdiction is limited to determining that the use of scrap tires as a tire stand will not be a breeding ground for mosquitoes or a fire hazard. Pursuant to this limited jurisdiction, I hereby approve your project plan for the beneficial use of scrap tires at the Site. As part of this approval, the Owner is subject to the following conditions:

Conditions

1. The tire stands shall be maintained free of standing water at all times.

- If upon inspection of a tire stand it is determined that it is retaining water, the owner shall, within forty-eight hours (48) correct the conditions causing the accumulation of water.
2. As a motor vehicle salvage dealer regulated under Ohio Revised Code 4738, scrap tires that are stored at the site shall be stored to comply with 3745-27-61(A)(2)(c) and 3745-27-60 of the Ohio Administrative Code.
 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.
 5. 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.
 6. 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 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 Channon Cohen with the DMWM-CO, Scrap Tire Unit at (614) 728-5353.

Sincerely,



Laurie A. Stevenson
Director

LS/CC

cc: Montgomery County Health Department
Channon Cohen, DMWM-CO
Toni Carmichael, DMWM-SWDO