



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

CERTIFIED MAIL

MAY 20, 2019

Richard Legron
Burns and Scalo Roofing
2148 Innovation Drive
Marion, Ohio 43302

**Re: Burns and Scalo Roofing
Non-permit Related Exemptions
Approval
Scrap Tires
Marion County
ST023374**

**Subject: Burns and Scalo Roofing, Marion County
Exemption from Requirement of Ohio Administrative Code (OAC)
Rule 3745-27-54(A)(1)**

Ohio EPA MAY 20 '19
Federal Directors Journal

Dear Mr. Legron:

On March 26, 2019, Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central Office (CO) staff spoke with Burns and Scalo Roofing (Burns-Scalo) which is located at 2148 Innovation Drive, Marion, Ohio in Marion County. Burns-Scalo was informed about the requirement to become a registered scrap tire transporter when transporting more than ten (10) scrap tires at a time. At this time, Burns-Scalo requested an exemption from the requirement to become a registered scrap tire transporter, since the scrap tires will only be transported for use in holding down tarps at roofing projects.

OAC Rule 3745-27-54(A)(1) states, in part, any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code.

Pursuant to ORC 3734.02(G) and OAC Rule 3745-27-03(B), the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder if granting the exemption is unlikely to adversely affect the public health or safety or the environment.

Ohio EPA has reviewed the exemption request and has determined that granting Burns-Scalo an exemption from the requirement of OAC Rule 3745-27-54(A)(1) is unlikely to

adversely affect public health or safety or the environment. Therefore, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), Burns-Scalo is hereby granted an exemption from the requirement of OAC Rule 3745-27-54(A)(1) in order transport scrap tires for use in holding down tarps at roofing projects. This exemption shall remain in effect unless otherwise revoked. As part of this exemption, Burns-Scalo is subject to the following conditions:

Conditions

1. All scrap tires subject to this exemption shall be permanently marked with the company letters "BSOH".
2. All scrap tires used in roofing projects shall be maintained free of water.
3. When not used in roofing projects, all scrap tires shall be stored at the Burns-Scalo office located at 2148 Innovation Drive, Marion, Ohio (Site). These tires shall be stored on pallets and covered by tarps.
4. Burns-Scalo shall not possess more than 100 scrap tires without applying for and receiving an approval for a scrap tire beneficial use.
5. Should Burns-Scalo cease using scrap tires as outlined in this exemption, Burns-Scalo shall transport the scrap tires to destinations authorized in OAC Rule 3745-27-56 or as amended.
6. Upon identification, the Director or an authorized representative may enter the Site to monitor compliance with the conditions of this exemption.
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 Burns-Scalo 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

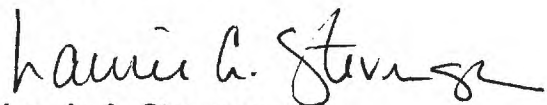
Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that 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 Phillip Farnlacher with Ohio EPA, Central District Office at (614) 728-3890.

Sincerely,



Laurie A. Stevenson
Director

LS/CC

cc: Marion County Health Department
Phillip Farnlacher, DMWM-CDO