



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

September 30, 2020

Willig Tire Recycling, LLC  
352 South Street  
Galion, OH 44833

**Re: Willig Tire Recycling  
Director's Final Findings and Orders (DFFO)  
DFFO  
Scrap Tires  
Crawford County  
ST018368**

**Subject: Final Findings and Orders**

Dear Sir or Madam:

Transmitted herewith are the Final Findings and Orders of the Director concerning the matter indicated for Willig Tire Recycling, LLC

You are hereby notified that this action of the Director of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. 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 E. Broad St., 4<sup>th</sup> Floor  
Columbus, Ohio 43215

Gregory Nichols  
Division of Materials & Waste Management

cc: Teri Finfrock, DMWM, Legal  
Kelly Jeter, DMWM, CO  
John Pasquarette, DMWM, NWDO



**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Willig Tire Recycling LLC	:	<u>Director's Final Findings</u>
352 South St.	:	<u>and Orders</u>
Galion, Ohio 44833	:	

And

Steve Kurtzman  
P.O. Box 372  
1001 North Clink Boulevard  
Crestline, Ohio 44827

Respondents

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Willig Tire Recycling LLC ("Willig") and Steve Kurtzman ("Kurtzman") (collectively "Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13 and 3745.01.

**II. PARTIES**

These Orders shall apply to and be binding upon Respondents and heirs and successors in interest liable under Ohio law. No change in ownership of Respondent Willig Tire Recycling LLC, the Facility, or the Property as hereinafter defined, shall in any way alter Respondents' 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 makes the following findings:

1. Respondent Willig owns and operates a registered Class II Scrap Tire Recovery Facility inside a warehouse complex located at 352 South Street, Galion, Crawford County, Ohio (the "Facility"). The Facility is currently located on Crawford County parcel numbers 190023158000, 190023148000, 190023149000 which are identified in Attachment 1 as the area in pink.
2. Respondent Kurtzman is a member of Willig Tire Recycling LLC and is the owner of the property where the Facility is located. Respondent Kurtzman also owns Crawford County parcel numbers 190061284000, 190030013000, 190023157000, 190023158000, 190023150000 that immediately surround the Facility upon which scrap tires have been open dumped and trailers of scrap tires are stored (collectively the "Property"). The Property is identified as the area in yellow on Attachment 1. Respondent Kurtzman also operates a recycling center at the Property.
3. Respondents are each a "person" as that term is defined in ORC Section 3734.01(G), and in Ohio Administrative Code ("OAC") Rule 3745-27-01(P)(3).
4. Respondent Willig is an "operator" as that term is defined in OAC Section 3745-27-01(O)(5).
5. Scrap tires are included in the definition of "solid wastes" under ORC Section 3734.01(E) and "solid waste" in OAC Rule 3745-27-01(S)(23).
6. OAC Rule 3745-27-01(S)(6) defines "scrap tire" as "a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use."
7. Open dumping is a violation of ORC Section 3734.03 which states that "[n]o person shall dispose of solid wastes by open burning or open dumping," and OAC Rule 3745-27-05(C) which states that "[n]o person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or 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."
8. ORC Section 3734.01(I) defines "Open dumping" as "the depositing of solid wastes into a body or stream of water or into the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, moncell,

monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code . . . ."

9. OAC Rule 3745-27-01(O)(4)(b) defines open dumping as, "[t]he 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 Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code."
10. The Facility is a registered "class II scrap tire recovery facility" as defined in OAC Rule 3745-27-01(S)(15)(b).
11. The Property surrounding the Facility is neither licensed or permitted as a scrap tire facility or a solid waste disposal facility in accordance with ORC Chapter 3734 and OAC Chapter 3745-27, nor is the Property licensed as motor vehicle salvage facility, registered as a junk yard, or any type of legitimate recycling facility.
12. OAC Rule 3745-27-65(B) states, "The owner or operator shall operate the scrap tire collection, storage, or recovery facility in strict compliance with the terms and conditions of the registration certificate... "
13. The registration certificate for the Facility was initially issued on September 28, 2016 and revised on August 21, 2017 ("Registration"). The Registration for the Facility only authorizes operation and storage of scrap tires and product inside the Facility. The outdoor storage of scrap tires and product is not included nor approved by Respondent Willig's Registration. Had Respondent Willig requested and received approval for outdoor storage of scrap tires and product, this storage would be subject to OAC Rule 3745-27-65(E)(3)(a).
14. OAC Rule 3745-27-65(E)(3)(a) states, "For a registered class II scrap tire recovery facility, outdoor storage shall not exceed the maximum area allowed as follows:
  - a. For whole, cut, baled, and rough shredded scrap tires; a combined maximum storage area of ten thousand square feet, or an amount equal to seven times the facility's daily designed input capacity (DDIC), whichever is greater.
  - b. For tire derived chip (TDC) or tire derived fuel (TDF) as defined in rule 3745-27-01 of the Administrative Code, a combined maximum storage area of ten thousand square feet."



15. OAC Rule 3745-27-65(E)(3)(b) states, "Containerized or inside storage of whole, cut, baled, or rough shredded tires at a registered class II scrap tire recovery facility shall not exceed fifteen times the facility's DDIC or a maximum storage of ten thousand square feet of scrap tire storage whichever is greater."
16. OAC Rule 3745-27-65(E)(3)(d) states, "The owner or operator of a Class I or II scrap tire recovery facility shall license and register or permit the excess amount of scrap tire storage as a scrap tire collection or storage facility before the scrap tire recovery facility's scrap tire storage area exceeds the above limits."
17. OAC Rule 3745-27-65(I)(2)(b) states, " Whenever there is a fire at the facility, the owner or operator shall immediately do the following: Notify the Ohio EPA emergency response team using its twenty-four hour toll free number and provide the following information . . . ."
18. OAC Rule 3745-27-65(I)(3) states "Within seven days of the occurrence of a fire at facility, the owner or operator shall do the following: (a) Note in the daily log the time, date, and details of the fire. (b) Notify in writing the Ohio EPA district office in which the facility is located, the Ohio EPA central office, the solid waste management district of the area in which the facility is located, and the local health department. The owner or operator shall include in the notification the information in paragraph (1)(2)(b)."
19. OAC Rule 3745-27-65(J)(2) states, "The owner or operator shall record facility operations in a daily log on forms prescribed by the director. The owner or operator shall make all entries required by the log on a daily basis..."
20. OAC Rule 3745-27-57(B)(1) states, "A shipping paper or 'Ohio EPA Scrap Tire Shipping/Receiving Form', a two-part or three-part carbonless paper form, shall be used as a receipt..."
21. OAC Rule 3745-27-65(K) states, "The owner or operator of the scrap tire recovery facility shall fund and shall maintain the financial assurance instrument in accordance with paragraph (C)(2) of rule 3745-27-61 . . . ."
22. Scrap tires, if not properly managed are a fire hazard and may become a breeding ground for mosquitoes. Mosquitoes are a common disease vector for St. Louis encephalitis, La Crosse encephalitis, Yellow Fever, West Nile Virus, and Dengue Fever.
23. On October 29, 2019, Ohio EPA's Northwest District Office, Division of Materials and Waste Management ("NWDO-DMWM") inspected the Facility to determine compliance with Ohio's laws as found in ORC 3734, OAC Chapter 3745-27 and the Facility Registration. The inspection included a review of company operations

and written documentation associated with facility operations. During the inspection NWDO-DMWM noted the following violations:

- a. OAC Rule 3745-27-65(B) for failure to operate the Facility in compliance with the terms and conditions of the Registration certificate. Specifically, Respondent Willig is not authorized for outdoor tire storage. However, piles of tire derived chips (TDC) and tire derived fuel (TDF) and scrap tires were observed outside the building in at least three different locations, with a total of approximately 750 whole tires stored outside along with five semi-trailers loaded with scrap tires staged on the Property.
- b. OAC Rule 3745-27-65(E)(3)(a) for exceeding the storage limits of TDC. Specifically, a 12,000 square foot pile approximately 20 feet high of TDC was observed directly west of the loading dock on the Property. Even had Respondent Willig been authorized for outdoor storage, class II scrap tire recovery facilities are limited to 10,000 square feet of outdoor storage for TDC.
- c. OAC Rule 3745-27-65(E)(3)(b) for exceeding the storage limits of scrap tires and rough tire shreds. Specifically, the piles of tires and rough shreds stored inside, and in several areas outside the Facility exceed 10,000 square feet.
- d. OAC Rule 3745-27-65(E)(3)(d) for failure to obtain approval for additional storage prior to exceeding the storage limits.
- e. OAC Rule 3745-27-65(I) for failure to follow appropriate fire response practices at the Facility. Specifically, Ohio EPA was informed by the Galion Fire Department ("Fire Department") that the Fire Department had responded to two significant fires within the last two years. The most recent of those fires occurred on February 27, 2019. Ohio EPA never received notification these fires occurred, nor did Ohio EPA receive the written report that is due within seven days of a fire occurring.
- f. OAC Rule 3745-27-65(J)(2) for failure to record Facility in a daily log. Specifically, neither the incoming or outgoing daily operations log forms had been completed since October 10, 2019 and September 30, 2019 respectively.
- g. OAC Rule 3745-27-57(B)(1) for failure to fill out scrap tire shipping papers.
- h. OAC Rule 3745-27-65(K) for failure to fund and maintain adequate financial assurance. Specifically, the financial assurance for the Facility is only funded in the amount to cover the storage limits originally set forth in the Registration. However, the Facility is significantly exceeding the identified

storage limits for whole tires and tire shreds stored both inside and outside the Facility.

- i. OAC Rule 3745-27-05(C) for open dumping of rubber chips, crumb rubber, miscellaneous rubber material, pallets, and a comingled pile of ground woody material and plastic on the Property. The largest of these outdoor open dumped scrap tire piles was the large pile located northwest of the Facility's loading dock.

On November 7, 2019, Ohio EPA documented these violations in a notice of violation ("NOV") letter to Respondents.

24. In response to the November 7, 2019, NOV, Ohio EPA received correspondence on November 25, 2019, from Respondent Willig that included a detailed proposal for bringing the Facility back into compliance that included in part: timelines and proposed steps for removal of the mixed pile of rubber; addressing all outside storage of whole tires; bringing the facility back into compliance with the storage limits; and revising the Facility's Registration and updating the financial assurance.

Additionally, Respondent Willig clarified that it had notified the previous Ohio EPA inspector via e-mail about the October 2017 fire. Regarding the February 2019 fire, Respondent Willig indicated it had called the fire department out of caution due to a pile of rubber shreds climbing in temperature, and Respondent Willig requested the fire department apply water to cool down the pile before any smoke or flames started.

25. On December 6, 2019, NWDO-DMWM re-inspected the Facility and noted that Respondents had resolved the violations of OAC Rule 3745-27-65(J)(2) and OAC Rule 3745-27-57(B)(1) regarding the daily logs and shipping papers. However, the following violations remained:
  - a. OAC Rule 3745-27-65(B) for failure to operate the Facility in compliance with the terms and conditions of the Registration certificate. Specifically, while most whole tires stored outside had been removed, approximately 30 tires remained on the ground outside near the southern exit of the Facility. Additionally, the Facility was still exceeding its storage limits for tires, rough shreds, and TDC.
  - b. OAC Rule 3745-27-65(E)(3)(a) for exceeding the storage limits of TDC at a class II scrap tire recovery facility.
  - c. OAC Rule 3745-27-65(E)(3)(b) for exceeding the storage limits of scrap tires and rough tire shreds at a class II scrap tire recovery facility.
  - d. OAC Rule 3745-27-65(E)(3)(d) for failure to obtain approval for additional storage prior to exceeding the storage limits.



- e. OAC Rule 3745-27-65(I) for failure to follow appropriate fire response practices at the Facility.
- f. OAC Rule 3745-27-65(K) for failure to fund and maintain adequate financial assurance.
- g. OAC Rule 3745-27-05(C) for open dumping of rubber chips, crumb rubber, miscellaneous rubber material, pallets, and a comingled pile of ground woody material and plastic on the Property.

On January 6, 2020, Ohio EPA documented these violations in a NOV letter to Respondents.

26. On January 31, 2020, NWDO-DMWM re-inspected the Facility and noted that the following violations remained:
- a. OAC Rule 3745-27-65(B) for failure to operate the Facility in compliance with the terms and conditions of the Registration certificate. Specifically, the Facility was still exceeding its storage limits for tires, rough shreds, and TDC.
  - b. OAC Rule 3745-27-65(E)(3)(a) for exceeding the storage limits of TDC at a class II scrap tire recovery facility.
  - c. OAC Rule 3745-27-65(E)(3)(b) for exceeding the storage limits of scrap tires and rough tire shreds at a class II scrap tire recovery facility.
  - d. OAC Rule 3745-27-65(E)(3)(d) for failure to obtain approval for additional storage prior to exceeding the storage limits.
  - e. OAC Rule 3745-27-65(I) for failure to follow appropriate fire response practices at the Facility.
  - f. OAC Rule 3745-27-65(K) for failure to fund and maintain adequate financial assurance.
  - g. OAC Rule 3745-27-05(C) for open dumping of rubber chips, crumb rubber, miscellaneous rubber material, pallets, and a comingled pile of ground woody material and plastic on the Property.

On February 28, 2020, Ohio EPA documented these violations in a NOV letter to Respondents.

27. At Ohio EPA's request, Respondent Willig took video footage of a walkthrough of the Facility and obtained aerial footage of the Property. This video was sent via e-mail to Ohio EPA on April 7, 2020 and documented the removal of excess tires from the interior of the Facility as well as a significant reduction in the TDF pile located directly west of the loading dock on the Property.
28. On April 23, 2020, Ohio EPA DMWM was notified that a fire was occurring at the Property. Respondent Willig had a conference call with Ohio EPA DMWM that day providing details regarding the fire and updates on the on-going efforts to address it. The fire was in the scrap tire pile and pallet pile northwest of the Facility. The fire was extinguished within a day by the Galion City Fire Department. To date, the fire residuals have not yet been removed from the Property.
29. OAC Rules 3745-27-19(C)(1)(c) through, 3745-27-19(C)(1)(e), require that all fire residuals be containerized, characterized to determine if the material is a hazardous waste or a solid waste, and removed for disposal in a licensed sanitary landfill if characterized as a solid waste; or managed and disposed of in accordance with applicable state and federal laws if characterized as a hazardous waste.
30. By letter dated April 28, 2020 Respondent Willig provided a written account of the fire that occurred on April 23, 2020. In this correspondence Respondent Willig indicated the following:
  - a. At approximately 8:15 AM, an employee at Willig Tire Recycling LLC noticed a pile of rubber that was located Northwest corner outside of the building at the property at 352 South St, began to produce an odor consistent with burning rubber.
  - b. It was determined that assistance was needed so a phone call was placed to the City of Galion Fire Department for assistance. There were no flames at the time.
  - c. The employee grabbed a couple buckets at the source of the odor then spread the rubber out in an attempt to cool it off. This proved to be an error in judgement as high winds began to stoke flames from the spread-out rubber.
  - d. The fire department arrived shortly thereafter and was able to extinguish the burning rubber relatively quickly and contain the fire to the pile of pallets.
  - e. An estimated 500 scrap tires burned in the fire.
  - f. An advanced thermal imaging device has been purchased to monitor and detect threats of fire.

- g. Routine, daily inspections of the piles are being conducted.
  - h. There is now enough water hose onsite to reach all areas of rubber in case a hot spot is detected.
31. On May 8, 2020, Ohio EPA received correspondence from Respondent Willig indicating that since November 25, 2019, when the clean-up of the Facility and the Property started, Respondent Willig had removed a total of 5,830 tons of material.
32. Despite substantial progress in retuning the Facility to compliance, Violations remain at the Facility and the Property.

## **V. ORDERS**

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

1. Not later than thirty (30) days after the effect date of these Orders, Respondents shall ensure that no whole tires are stored outside of the designated storage areas as defined in the registration.
2. Not later than thirty (30) days after the effective date of these Orders, Respondent Willig shall submit a revised registration for a Class II Scrap Tire Recovery Facility. Respondent Willig shall use the April 29, 2020, revised storage plan in the revised registration.
3. Not later than thirty (30) days after the effective date of these Orders, Respondents shall lawfully recycle or dispose of all baled plastic and cardboard stored within the limits of the Facility as defined in the registration. Thereafter, no baled, containerized and/or loose plastics or cardboard shall ever be stored within the limits of the Facility as defined in the registration, nor within fifty (50) feet of the limits of the Facility as defined in the registration.
4. Respondents shall keep records indicating weight or volume of all baled containerized and/or loose plastics or cardboard removed in accordance with Order No. 3. Respondents shall record the date of removal, the final destination facility, and contact information for the final destination facility. Respondents shall forward such documentation to DWMW-NWDO monthly by the 10th day of each month until all baled, containerized and/or loose plastics or cardboard has been removed.

5. Not later than one hundred and twenty days (120) after the effective date of these Orders, Respondents shall remove or cause the removal of all TDF and TDC currently stored on the Property. This material may be sold and/or provided for use as fuel or for beneficial use or transported to a facility authorized to accept scrap tires.
6. Respondents shall keep records indicating weight or volume of TDF and TDC removed in accordance with Order No. 5, the date of removal, the final destination facility, and contact information for the final destination facility. Respondents shall forward such documentation to DWMW-NWDO monthly by the 10th day of each month until all TDF and TDC currently stored on the Property has been removed.
7. Not later than one hundred and twenty days (120) after the effective date of these Orders, Respondents shall remove or cause the removal of all ground woody material comingled with plastic located on the Property, and dispose of this solid waste at a licensed solid waste disposal facility.
8. Respondents shall obtain disposal receipts from the licensed solid waste disposal facility indicating weight or volume of solid waste disposed in accordance with Order No. 7. Respondents shall forward such documentation to DWMW-NWDO monthly by the 10th day of each month until receipts documenting that all ground woody material comingled with plastic has been appropriately disposed, have been provided to Ohio EPA.
9. Not later than one hundred and twenty days (120) after the effective date of these Orders, Respondents shall remove or cause the removal of all remaining scrap tires, scrap tire pieces, scrap tire shreds and miscellaneous rubber pieces (collectively "Mixed Rubber") currently located on the Property according to the following schedule:
  - a. Not later than sixty (60) days after the effective date of these Orders, Respondents shall remove or cause the removal of a minimum of 1/3 of the pile of Mixed Rubber.
  - b. Not later than ninety (90) days after the effective date of these Orders, Respondents shall remove or cause the removal of a minimum of 2/3 of the pile of Mixed Rubber.
  - c. Not later than one hundred twenty (120) days after the effective date of these Orders, Respondents shall remove or cause the removal of all remaining Mixed rubber.

To the extent that any of the Mixed Rubber is suitable for a beneficial use, it may be sold and/or provided for lawful beneficial use. Mixed Rubber that is not sold or provided for lawful beneficial use shall be transported to a facility authorized to accept scrap tires.



10. Respondents shall keep records indicating weight or volume of Mixed Rubber removed. Respondents shall record the date of removal, the location and name of the final destination facility, and contact information and receipts from the final destination facility. Respondents shall forward such documentation to DWMW-NWDO monthly by the 10th day of each month until all Mixed Rubber currently stored on the Property has been removed.
11. Not later than one hundred and twenty (120) days after the effective date of this Order, Respondent Kurtzman shall remove and lawfully recycle or dispose of all discarded wood pallets and fire residuals on the Property according to the following schedule:
  - a. Not later than sixty (60) days after the effective date of these Orders, a minimum of 1/3 of the pile of discarded wood pallets.
  - b. Not later than ninety (90) days after the effective date of these Orders, a minimum of 2/3 of the pile of discarded wood pallets.
  - c. Not later than one hundred twenty (120) days after the effective date of these Orders, the remainder of all discarded wood pallets, and fire residuals resulting from the fire referenced in Finding 23 above.
12. Respondent Kurtzman shall keep records indicating the amount, in weight or volume, of pallets and fire residuals removed. Respondent Kurtzman shall obtain receipts for the pallets and fire residuals from the licensed solid waste disposal facility, or as appropriate the facility where pallets were recycled, indicating weight or volume of pallets and fire residuals. Respondent Kurtzman shall forward such documentation to DWMW-NWDO monthly by the 10th day of each month until all pallets and fire residuals on the Property have been removed.
13. Not later than one hundred twenty (120) days after the effective date of this order or upon approval of the revised registration application, whichever comes first, Respondents shall increase the financial assurance instrument(s) for the Facility to \$93,729.00. Thereafter, Respondents shall annually review and update the financial assurance for the Facility in accordance with OAC Rules 3745-27-15 through 3745-27-17. Should any rules regarding scrap tire facility financial assurance be promulgated after the effective date of these Orders, Respondents shall annually review and update the financial assurance for the Facility in accordance with the effective rules.

## **VI. TERMINATION**

Respondents' obligations under these Orders shall terminate when Respondents certify in writing and demonstrate to the satisfaction of Ohio EPA that Respondents have performed all obligations under these Orders and Ohio EPA's Chief of the Division of Materials and 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 Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiencies and seek termination as described above.

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

This certification shall be submitted to Ohio EPA by Respondents seeking termination in accordance with this section and shall be signed by Respondents.

## **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, Respondents, the Facility, or the Property.

## **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 Respondents, the Facility, or the Property.

## **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.

#### **X. NOTICE**

All documents required to be submitted by Respondents under these Orders shall be submitted electronically to DMWM-NWDO utilizing the following email address: [NWDODMWM.submittals2@epa.ohio.gov](mailto:NWDODMWM.submittals2@epa.ohio.gov) or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

#### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to seek civil or administrative penalties against Respondents for violations specifically cited in these Orders. Ohio EPA and Respondents each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

#### **XII. WAIVER**

Respondents consent to the issuance of these Orders and agree to comply with these Orders. Respondents hereby waive the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondents hereby waive 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.

#### **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.

**ORDERED AND AGREED:**

**Environmental Protection Agency**



\_\_\_\_\_  
Laurie A. Stevenson, Director

**AGREED:**

**Willig Tire Recycling, LLC**


  
\_\_\_\_\_  
Signature

9/18/2020  
\_\_\_\_\_  
Date

Andrew Willig  
\_\_\_\_\_  
Printed or Typed Name

CEO  
\_\_\_\_\_  
Title

**Steve Kurtzman**

  
\_\_\_\_\_  
Signature  
Stephen Kurtzman  
\_\_\_\_\_  
Printed or Typed Name

9/18/2020  
\_\_\_\_\_  
Date



[illegible]

**Yellow** = Location of the "Property" as defined in Finding #2.