



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

December 24, 2020

Dr. Gregory A. Jacomet
460 South Best Road
Stockport, Ohio 43787

Re: Jacomet Tire House
Director's Authorization
Approval
Beneficial Use
Morgan County
BENU023811

**Subject: Jacomet Scrap Tire House Project, Morgan County
Scrap Tire Beneficial Use Approval**

Dear Dr. Jacomet:

On May 1, 2020, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request from Gregory Jacomet (Owner) to beneficially use scrap tires at the property located at 460 South Best Road, Stockport, Ohio (Site) in Morgan County, Ohio. Subsequent addenda were received on May 31, October 19, and October 26, 2020.

The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-78, which requires that the Director of Ohio EPA (Director) approve scrap tire beneficial use projects that are not specifically authorized in this rule. In your request, you provided a project plan that proposes to beneficially use up to eight hundred (800) scrap tires in the construction of a house at the Site.

After reviewing the May 1, 2020 request and subsequent addenda, I have determined that the project plan meets the proposed rule requirements including the criteria set forth in OAC Rule 3745-27-78(J). Ohio EPA's jurisdiction is limited to determining whether the reuse of the scrap tires as part of the earthship build structure is a beneficial use of the scrap tires. Ohio EPA has no jurisdiction over the stability or safety of the scrap tires in their intended use. Pursuant to this limited jurisdiction specified in OAC Rule 3745-27-78, 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:

1. The scrap tires shall only be used for construction of the house located at the Site as detailed in the approved project plan.

2. The temporary storage of scrap tires at the Site shall not exceed five hundred whole scrap tires. The scrap tires shall be stored in accordance with the standards in OAC Rule 3745-27-60(B).
3. Upon proper identification, the Director or her authorized representative may enter the Site at reasonable hours to monitor compliance with this approval and the general scrap tire storage and handling requirements, including OAC Rule 3745-27-60.
4. Copies of all scrap tire shipping papers shall be retained at the Site for inspection until the construction report required by Condition Number 12 has been submitted, including copies of all scrap tire shipping papers.
5. If loads of ten (10) or fewer scrap tires are brought to the Site by someone other than a registered transporter, the Owner shall keep a log. The log shall include the number of scrap tires in the load, who transported the scrap tires, and where the scrap tires originated.
6. Any scrap tires received at the Site in quantities of eleven (11) or more shall be transported to the Site by a registered scrap tire transporter and shall be accompanied by the required scrap tire shipping papers. For scrap tires transported to the Site by a registered scrap tire transporter, the shipping papers must be retained at the Site until copies of the shipping papers have been submitted with the construction report required by Condition Number 12.
7. Any scrap tires removed from the Site in quantities of eleven (11) or more shall be transported by a registered scrap tire transporter and delivered to an authorized destination as specified in OAC Rule 3745-27-56(C). For scrap tires transported from the Site by a registered scrap tire transporter, the shipping papers must be retained at the Site until copies of the shipping papers have been submitted with the construction report required by Condition Number 12.
8. In the event of a change in the project plans where scrap tires are no longer needed, the Owner shall notify Ohio EPA of the change in project plans. Not later than thirty (30) days after such notification, the Owner shall remove for lawful disposal any unused and/or unneeded scrap tires from the Site.
9. Not later than December 31, 2022, the Owner shall complete beneficial use of scrap tires at the Site, unless otherwise approved in writing by Ohio EPA.
10. Not later than thirty (30) days after construction has been completed, the Owner shall remove for lawful disposal any unused and/or unneeded scrap tires from the Site.
11. Not later than sixty (60) days after construction has been completed, pursuant to OAC Rule 3745-27-78(H), a notation shall be placed in the property deed for the Site stating that scrap tires were used in the construction of the house.

12. Not later than sixty (60) days after construction has been completed, the Owner shall submit to Ohio EPA a construction report, which includes as-built drawings, a summary of the number and location of the scrap tires used, copies of all shipping papers, and verification of notation placed on the property deed, as required by Condition Number 11.
13. If the scrap tires are excavated or otherwise removed from the Site, they shall be managed in accordance with Ohio's scrap tire regulations or disposed of at a licensed solid waste disposal facility, as appropriate.
14. Nothing in this letter shall be construed to authorize any waiver of the requirements of any applicable federal, state, or local laws or regulations. This letter shall not be interpreted to release the owner or operator from responsibility under the 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 Dan Bergert, DMWM, SEDO at (740) 380-5438 or by email at daniel.bergert@epa.ohio.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laurie A. Stevenson".

Laurie Stevenson
Director

LS/DB/mr

ec: Joe Goicochea, DMWM-SEDO
Channon Cohen, DMWM-CO
Morgan County Health Department