



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director OHIO E.P.A.

APR 11 2016

ENTERED DIRECTOR'S JOURNAL

APR 11 2016

**Re: Broadhead Project
Director's Authorization
Approval
Beneficial Use
Morrow County
BENU021218**

Morgan & Wendy Broadhead
7201 N. State Route 101
Clyde, OH 43410

Subject: Earthship House Project – Scrap Tire Beneficial Use Approval

Dear Mr. & Mrs. Broadhead:

On October 5, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a request from Morgan and Wendy Broadhead (Owners) to beneficially use scrap tires at the property located at 7676 County Road 40, Mount Gilead, Ohio in Morrow 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 Rules 3745-27-78(D) and (E). In the request, the Owners propose to use approximately 200 bales of scrap tires, each containing approximately 100 tires, as the foundation to build a house on private property. The construction project will take place at the Site.

After reviewing the request, I have determined that the project plan meets the applicable Ohio EPA requirements. Therefore, pursuant to OAC Rule 3745-27-78(F), I hereby approve your project plan for the beneficial use of scrap tires at the Site.

As part of this authorization, the Owners are subject to the following conditions:

CONDITIONS

1. The scrap tires shall only be used for the construction of the house located at the Site.
2. Any scrap tires stored at the Site shall be stored in compliance with OAC Rule 3745-27-60(B).
3. Upon proper identification, the Director or his authorized representative, or the employees of the Morrow County Health Department, 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. The Ohio EPA beneficial use project plan number assigned to this project is 59-16-BROADHEAD.
5. Copies of all scrap tire shipping papers shall be retained on Site for inspection until the construction report required by Condition Number 11 has been submitted.
6. Any scrap tires received at the Site, or removed from the Site, in quantities of 10 tires or more, shall be transported by a registered scrap tire transporter, or a transporter who has otherwise been authorized to haul scrap tires in Ohio.
7. In the event of a change in the project plans where scrap tires are no longer needed, the Owners shall notify Ohio EPA of the change in project plans. Not later than 30 days after such notification, the Owners shall remove any unused and/or unneeded scrap tires from the Site.
8. Not later than 7 days after construction has been completed, the Owners shall notify Ohio EPA of the construction completion date.
9. Not later than 30 days after construction has been completed, the Owners shall remove any unused and/or unneeded scrap tires from the Site.
10. After construction has been completed, a notation shall be placed on the property deed for the Site stating that scrap tires were used in the construction of the house.
11. Not later than 60 days after the construction has been completed, the Owners shall submit a report which includes as built drawings, a summary of all scrap tires used, copies of all shipping papers, and verification that a notation has been placed on the property deed, as required by OAC Rule 3745-27-78(H).
12. If the scrap tires are excavated or otherwise removed from the approved beneficial use at 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.
13. 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 Owners 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.

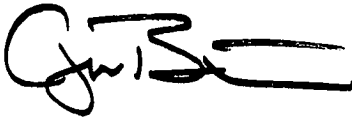
END OF CONDITIONS

You are hereby notified that this action of the Director of Environmental Protection (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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Phil Farnlacher of the Ohio EPA, DMWM, CDO at (614) 728-3890.

Sincerely,



Craig W. Butler
Director

c: Melissa Storch, DMWM, CDO
Brian Benick, Morrow County Health Department
Scott Hester, DMWM, CO