



John R. Kasich, Governor
Mary Taylor, Lt. Governor
OHIO EPA
Craig W. Butler, Director
MAY - 9 2016

ENTERED DIRECTOR'S JOURNAL

MAY 09 2016

Ms. Patricia Shalosky
72958 Hopewell Rd
Kimbolton, Ohio 43749

Re: Hopewell Road Beneficial Use
Director's Authorization
Approval
Beneficial Use
Guernsey County
BENU021374

Dear Ms. Patricia Shalosky

On December 10, 2015, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request from Patricia Shalosky (Owner) to beneficially use scrap tires at the property located at 72964 Hopewell Road, Kimbolton, Guernsey County, Ohio (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 Owner proposes to use approximately 500 tires to build a tire wall/fence, 239.18 feet long and 6 feet high, on private property. This construction project would take place at the Site.

Ohio EPA has reviewed the submitted information and has determined the project plan meets the applicable requirements. Therefore, pursuant to OAC Rule 3745-27-78, I hereby approve your project plan for the beneficial use of scrap tires at the property located at 72964 Hopewell Road, Kimbolton, Guernsey County, Ohio. As part of this approval, the owner is subject to the following conditions:

CONDITIONS

1. The scrap tires shall only be used for the construction of the wall/fence at the property located at 72964 Hopewell Road, Kimbolton, Guernsey County, Ohio, as described in the December 10, 2015 request.
2. No more than five hundred (500) scrap tires shall be used in construction of the wall/fence at the Site.

3. No more than five hundred (500) scrap tires shall be stored at the Site at any one time.
4. Scrap tires being beneficially used shall be maintained such that the tires do not provide a breeding environment for mosquitoes.
5. All scrap tires not in use shall be stored in compliance with OAC Rule 3745-27-60 (B), including but not limited to mosquito control, pile size, and fire breaks.
6. Scrap tires in excess of the quantity needed for this beneficial use shall be disposed of promptly using a registered scrap tire transporter. Any scrap tires received at or removed from the site in quantities of 10 tires or more shall be transported by a registered scrap tire transporter.
7. If the scrap tires are excavated or otherwise removed from the approved beneficial use area at the Site, they shall be managed in accordance with Ohio's scrap tire regulations or disposed of at a solid waste disposal facility, as appropriate.
8. 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, including OAC Rule 3745-27-60.
9. Once construction of the wall/fence is completed, a notation shall be placed in the property deed for the Site stating that scrap tires were used in the construction of the wall/fence.
10. 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 or operator from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 611; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, or the Comprehensive Environmental Resource Compensation, Liability Act; 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 Dale Warner of Ohio EPA, DMWM, SEDO at (740) 380-5435.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Butler", with a stylized flourish at the end.

Craig W. Butler
Director

cc: Guernsey County Health Department