



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

October 3, 2016

Mr. Joe Kennedy
Monroe County Recycling & Alternative
Fuels, LLC
2213 Shafer Road
Stroudsburg, PA 18360

Re: **Monroe County Recycling & Alternative Fuel, LLC
Non-permit Related Exemptions
DFFO
Scrap Tires
ST021789**

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 Monroe County Recycling & Alternative Fuel, 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
77 South High St., 17th Floor
Columbus, Ohio 43215

If you have any questions, please contact Teri Finrock at (614) 644-3037.

Sincerely,

A handwritten signature in black ink that reads "Gregory Nichols". The signature is written in a cursive, flowing style.

Gregory Nichols, Administrative Professional 3
Division of Materials & Waste Management

ec: Phil Farnlacher, Central District Office – DMWM
Constance Livchak, Central District Office - DMWM

OHIO E.P.A. Issuance Date: OCTOBER 3, 2016

OCT -3 2016

ENTERED DIRECTOR'S JOURNAL Effective Date: OCTOBER 3, 2016

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In The Matter Of:

Monroe County Recycling & Alternative Fuel, LLC : Director's Final
2213 Shafer Road : Findings and Orders
Stroudsburg, PA 18360 :

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Monroe County Recycling & Alternative Fuel, LLC, pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Section 3734.02(G) and Ohio Administrative Code (OAC) Rule 3745-27-03(B).

II. PARTIES

These Orders shall apply to and be binding upon Monroe County Recycling & Alternative Fuel, LLC and successors in interest liable under Ohio law. No change in ownership of Monroe County Recycling & Alternative Fuel, LLC, shall in any way alter Monroe County Recycling & Alternative Fuel, LLC's 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 OF FACT

The Director of Ohio EPA (Director) has determined the following findings:

1. Monroe County Recycling & Alternative Fuel, LLC (MCRAF) is the owner and operator of the Monroe County Recycling & Alternative Fuel facility located in Stroudsburg, Pennsylvania. MCRAF is permitted by the Pennsylvania Department of Environmental Protection for the processing and beneficial use of municipal waste, including scrap tires [Permit Number WMGM044-NE002], and is licensed as a scrap tire transporter [Tire Transport License Number WTT1192].

2. On April 11, 2016, Ohio EPA approved a scrap tire beneficial use project to Morgan & Wendy Broadhead (Broadheads) which allows them to use approximately 200 tire bales in order to construct a residential dwelling at 7676 County Road 40, Mount Gilead, Ohio. In their research, the Broadheads discovered that MCRAF is one of the closest facilities that will bale scrap tires to meet the specifications needed for their purposes.
3. Pursuant to the requirements of Ohio Administrative Code (OAC) Rule 3745-27-54(A)(1), any person transporting scrap tires in Ohio shall comply with the registration requirement of OAC Rule 3745-27-54, with the standards for transportation of scrap tires in OAC Rule 3745-27-56, and with the use of scrap tire shipping papers in OAC Rule 3745-27-57.
4. By letter dated July 25, 2016, MCRAF requested an exemption from Ohio's scrap tire transportation requirements in order to deliver bales of scrap tires to the Broadhead beneficial use project located at 7676 County Road 40, Mount Gilead, Ohio. The bales of scrap tires will be placed onto flatbed semi-trailers and hauled by contracted haulers.
5. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
6. Issuance of an exemption, pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), relieving MCRAF from the requirement to register as a scrap tire transporter and comply with other scrap tire transporter provisions, in order to haul bales of scrap tires to the Broadhead site, is unlikely to adversely affect the public health or safety or the environment.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03(B), MCRAF is hereby granted an exemption from the registration requirements in OAC Rule 3745-27-54, the standards for transportation of scrap tires in OAC Rule 3745-27-56, and the requirements for the use of shipping papers in OAC Rule 3745-27-57 in order to haul bales of scrap tires, within the State of Ohio, to the Broadhead site located at 7676 County Road 40, Mount Gilead, Ohio. The exemption

granted herein applies solely to MCRAF and their contracted hauling companies for the exclusive delivery of the bales of scrap tires to the Broadhead site.

2. As indicated in the MCRAF letter requesting this exemption, each load of baled tires being delivered to the Broadhead site will be accompanied by a bill of lading that includes the delivery address. Additionally, the transporter of each load shall carry a copy of these Director's Final Findings and Orders as verification that it is authorized to transport loads of baled tires within the State of Ohio.
3. This exemption is specific to the delivery of baled tires to the Broadhead site located at 7676 County Road 40, Mount Gilead, Ohio. This exemption in no way authorizes the transportation of any other scrap tires within the State of Ohio.
4. This exemption shall expire three (3) years after the effective date of these Orders unless otherwise extended by the Director.

VI. 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, the transportation of scrap tires by MCRAF.

VII. OTHER APPLICABLE LAWS

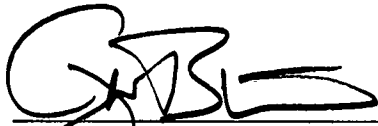
All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations that may be applicable to the transportation of baled scrap tires in the State of Ohio.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require MCRAF to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of the MCRAF to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require.

IT IS SO ORDERED:

Ohio Environmental Protection Agency



Craig W. Butler
Director

9/30/16

Date