



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

OHIO E.P.A.

OCT 28 2016

ENTERED DIRECTOR'S JOURNAL

OCTOBER 28, 2016

Henry County Commissioners
1853 Oakwood Avenue
Napoleon, Ohio 43545

Re: Henry County Commissioners
Non-permit Related Variance
Approval
Scrap Tires
Henry County
ST018304

**Subject: Henry County Commissioners Scrap Tire Recovery, Henry County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance**

Dear Commissioners,

On September 22, 2016, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO), received a document titled *Scrap Tire Exemption for Henry County Class II Scrap Tire Facility* (Request) dated September 21, 2016, for the Henry County Commissioners Class II Scrap Tire Recovery Facility (Facility) located in Henry County. This Request was submitted by The Mannik & Smith Group, Inc., on behalf of the Henry County Board of Commissioners (Henry County), pursuant to OAC Rule 3745-27-03(C) and seeks approval of a variance from the requirements of OAC Rule 3745-27-65(E)(3)(a)(ii) which establishes a combined maximum storage area of ten thousand square feet for tire derived chip (TDC) or tire derived fuel (TDF). The variance request proposes to allow Henry County to exceed the combined maximum storage area established in the rule by authorizing storage of TDC or TDF within the areas designated for storage of whole, cut, baled, or rough shredded scrap tires at the Facility. The Request proposes storage of TDC or TDF on up to 17,500 square feet of basal area.

Pursuant to OAC Rule 3745-27-03(C)(5): "The director shall grant a variance only if the applicant demonstrates to the director's satisfaction that construction, operation, closure activities and/or post-closure activities of the solid waste facility in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of the Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder."

Ohio EPA has reviewed the Request to store TDC or TDF on up to 17,500 square feet of basal area and has determined that operating in accordance with the September 21, 2016 Request will not create a nuisance or a hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of ORC Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder. Therefore, pursuant to OAC Rule 3745-27-03(C)(5), Henry County is hereby granted a variance to

allow storage of TDC or TDF to exceed a combined maximum storage area of 10,000 square feet, to a maximum of 17,500 square feet, in accordance with the September 21, 2016 Request.

This variance shall remain in effect unless otherwise revoked by the director of environmental protection (director).

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to ORC 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 Curtis DeLong of Ohio EPA, NWDO at (419) 373-3033.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig W. Butler". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig W. Butler
Director

ec: Mike Reiser, NWDO-DMWM
Scott Hester, CO-DMWM
Janice Church, CO-DMWM
Mike Imbrock