



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

April 13, 2017

OmniSource Corporation  
5130 North Detroit Road  
Toledo, Ohio 43612

**Re: OmniSource Corporation**  
**Non-permit Related Exemptions**  
**DFFO**  
**Scrap Tires**  
**Lucas County**  
**ST022300**

**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 OmniSource Corporation.

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., 17<sup>th</sup> Floor  
Columbus, Ohio 43215

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

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Dearth", is written over a horizontal line.

Brian Dearth, Administrative Officer 1  
Division of Materials & Waste Management

Enclosure

ec: Megan Ujvari, DMWM, CO  
Tyler Madeker, DMWM, NWDO  
Mike Reiser, DMWM, NWDO  
Jeremy Carrol, DMWM, CO  
Scott Hester, DMWM, CO

Issuance Date: APR 13 2017

Effective Date: APR 13 2017

**BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY**

Ohio EPA APR 13 '17  
Entered Directors Journal

IN THE MATTER OF

OmniSource Corporation : Director's Final  
5130 North Detroit Road : Findings and Orders  
Toledo, Ohio 43612 :

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to OmniSource Corporation 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.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon OmniSource Corporation (OmniSource) and successors in interest liable under Ohio law. No change in ownership of OmniSource or of the Facility, as hereinafter defined, shall in any way alter OmniSource's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734 and the rules promulgated thereunder.

**IV. FINDINGS**

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

1. OmniSource is an Indiana corporation operating a metal shredding operation located at 5000, 5130, and 5270 North Detroit Avenue in Toledo, Ohio (Facility).
2. OmniSource is a "person" as that term is defined in OAC Rule 3745-27-01.
3. On September 14, 2016, OmniSource requested an exemption from the

provisions of the scrap tire recovery facility registration and licensing requirements in order to receive and process a limited number of scrap tires from Fiat Chrysler Automobiles (FCA).

4. According to the September 14, 2016 request, OmniSource currently processes scrapped automobiles, including tires, received from FCA, and OmniSource is obligated to process those automobiles within two business days of receipt. OmniSource now seeks to receive and process a limited number of tires that have failed FCA's testing requirements. OmniSource explains that any tires received would originate only from FCA facilities, the tires would be shipped in closed containers by a licensed scrap tire transporter, and the containers of tires would be unloaded only when the material is being processed by the shredder. The shredded material would be magnetically separated to recover ferrous metals, then subsequently processed at the Facility to recover non-ferrous metals. Additionally, the request indicates that the resulting auto shredder residue would be sent to a landfill in another state. OmniSource indicates that, although the processing of tires is not the core business of the shredding operation, the incremental volumes of tires it seeks to accept from FCA under the September 14, 2016 request would not pose any operational challenges.
5. Pursuant to OAC Rule 3745-27-01(S)(13), any location that is used to process scrap tires in order to extract or produce usable products, materials, or energy from the scrap tires constitutes a scrap tire recovery facility. Scrap tire recovery facilities are subject to certain registration, licensing, operational, and scrap tire management requirements set forth in OAC Rules 3745-27-61 through 3745-27-66.
6. The activity proposed by OmniSource in its September 14, 2016 request would result in the establishment of a scrap tire recovery facility subject to registration, licensing, operational, and scrap tire management requirements set forth in OAC Chapter 3745-27.
7. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-03, the Director, by order, may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, infectious wastes, or hazardous waste, or processing solid wastes that consist of scrap tires, 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.
8. Ohio EPA has reviewed OmniSource's request and has determined that granting OmniSource an exemption from the requirements of OAC Rules 3745-27-61, 3745-27-62, 3745-27-63, 3745-27-64, 3745-27-65, and 3745-27-66 solely for the

purpose of allowing OmniSource to receive and process scrap tires from FCA in accordance with the September 14, 2016 request and the provisions of these Orders 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, OmniSource is hereby granted an exemption from the requirements in OAC Rules 3745-27-61, 3745-27-62, 3745-27-63, 3745-27-64, 3745-27-65, and 3745-27-66 only as they relate to receiving and processing scrap tires from FCA in accordance with the September 14, 2016 request and the conditions set forth below.
2. The exemption granted herein is issued solely to OmniSource, and only for the receipt and processing of tires from FCA at the Facility identified in Finding Number 1, above. This exemption is neither transferable upon change of ownership of the business or the property, nor transferable to any other property location owned or operated by OmniSource.
3. OmniSource shall keep a log showing the dates and number of tires received pursuant to these Orders. OmniSource shall record the number of tires by weight and/or number of tires.
4. OmniSource shall not receive more than twelve-thousand (12,000) tires from FCA pursuant to these Orders in any calendar year. If OmniSource records the tires received by weight, OmniSource shall calculate the number of tires received using a conversion factor of twenty pounds being equivalent to one tire.
5. OmniSource shall process all tires received from FCA pursuant to these Orders within two business days of receipt unless otherwise authorized by Ohio EPA.
6. OmniSource shall dispose of the processed tires/auto shredder residue by an approved method.
7. OmniSource shall permit authorized representatives from the Toledo Lucas County Health Department and Ohio EPA to enter the Facility during reasonable times to inspect, conduct tests, or examine records and reports concerning compliance with these Orders.
8. These Orders do not exempt OmniSource from any other local, state, or federal laws or regulations which are otherwise applicable, including OAC Rule 3745-15-07 and ORC Chapter 6111 and the rules promulgated thereunder.

#### **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, OmniSource and/or related to the Facility.

#### **VII. OTHER APPLICABLE LAWS**

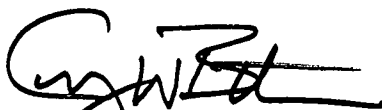
All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to OmniSource and/or the Facility.

#### **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 OmniSource to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of OmniSource to raise any administrative, legal, or equitable claim or defense with respect to such further actions that Ohio EPA may seek to require of OmniSource. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

**IT IS SO ORDERED:**

**Ohio Environmental Protection Agency**



---

Craig W. Butler  
Director