



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

APRIL 26, 2017

Mr. Ron Schwiebert
10-627 Road D
Hamler, Ohio 43535

Re: Ron Schwiebert Property
Director's Authorization
Approval
Scrap Tires
Henry County
BENU022426

Ohio EPA APR 26 '17
Entered Directors Journal

**Subject: Ron Schwiebert Property, Henry County
Ohio Administrative Code (OAC) Rule 3745-27-78(F) Approval**

Dear Mr. Schwiebert:

On March 23, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northwest District Office (NWDO), received a request from Mr. Ron Schwiebert (Owner) to beneficially use tire derived chip (TDC) at the property located at C-809 Road 10B, Hamler, in Henry County (Site).

The request was submitted pursuant to 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 168 tons of TDC as a 12-inch-thick base layer in the construction of a 100-foot by 100-foot parking lot on private property. This construction project will take place at the Site and TDC will be placed as construction progresses.

Ohio EPA has reviewed the submitted information and has determined it meets the applicable requirements. Therefore, pursuant to OAC Rule 3734-27-78(F), I hereby approve your project plan for the beneficial use of TDC at the property located at C-809 Road 10B, Hamler, in Henry County. As part of this authorization, the Owner is subject to the following conditions:

CONDITIONS

1. This authorization applies only to the use of TDC as a 12-inch-thick base layer in the construction of a 100-foot by 100-foot parking lot at the Site, as detailed in the request dated March 21, 2017.
2. No more than 168 tons of TDC shall be used as the base layer in the construction of the parking lot at the Site.

3. 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.
4. If the TDC is excavated or otherwise removed from the approved beneficial use area at the Site, it shall be managed in accordance with Ohio's solid waste regulations, as applicable.
5. Not later than 60 days after the construction has been completed, the Owner shall submit a report which includes as-built drawings, the total weight of TDC used, and copies of all shipping papers, as required by OAC Rule 3745-27-78(H).
6. 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 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 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

Ron Schwiebert Property
OAC Rule 3745-27-78(F)
Page 3 of 3

If you have any questions concerning this letter, please contact Curtis DeLong of Ohio EPA, DMWM, NWDO at (419) 373-3033.

Sincerely,

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

Craig W. Butler
Director

ec: Mike Imbrock, Henry County Landfill
Mike Reiser, DMWM, NWDO