



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

JULY 20, 2017

Mr. Josh Adkins
Liberty Tire Services of Ohio, LLC
14864 Lincoln Street SE
Minerva, Ohio 44657

**RE: Liberty Scrap Tire Recovery – Class I
Non-Permit Related Variance
Approval
Scrap Tires
Stark County
ST018320**

**Liberty Tire Monofill
Non-Permit Related Variance
Approval
Scrap Tires
Stark County
STML018319**

Ohio EPA JUL 20 17
Entered Directors Journal

**Subject: Liberty Tire Services of Ohio, LLC
Class I Scrap Tire Recovery Facility, Stark County
Scrap Tire Monofill Facility, Stark County
Ohio Administrative Code (OAC) Rule 3745-27-03(C) Variance**

Dear Mr. Adkins:

On April 19, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document titled "Temporary Scrap Tire Storage Variance Request, Liberty Tire Services of Ohio, LLC, Paris Township, Stark County" dated April 18, 2017 (Request), for the Liberty Tire Services of Ohio, LLC Class I Scrap Tire Recovery Facility (Recovery Facility) and the Liberty Scrap Tire Services of Ohio, LLC Scrap Tire Monofill Facility (Monofill Facility). Revisions to the Request, dated June 20, 2017, were received on June 20, 2017. The Recovery Facility and the Monofill Facility are both located at 14864 Lincoln St., SE, Stark County. The Request was submitted by Liberty Tire Services of Ohio, LLC (Liberty), pursuant to OAC Rule 3745-27-03(C), and requests approval of variances to temporarily store scrap tires at the Recovery Facility and Monofill Facility in areas that exceed the maximum storage limitations set forth in applicable rules.

Pursuant to OAC Rule 3745-27-65(E)(3)(c), the owner or operator of a Class I scrap tire recovery facility shall not exceed a maximum storage area of 20,000 square feet for whole, cut, baled, and rough shredded scrap tires. However, Permit-to-Install (PTI)

Number 02-22464, issued on October 3, 2013, which established the Recovery Facility as a Class I Scrap Tire Recovery Facility included an exemption authorizing 43,750 square feet of storage area for processed scrap tires. In the Request, Liberty proposes to temporarily increase the storage area for processed scrap tires at the Recovery Facility to 57,500 square feet.

Pursuant to OAC Rule 3745-27-75(E)(5), the temporary scrap tire storage area at a scrap tire monofill facility shall not exceed 10,000 square feet of effective scrap tire storage area. In the Request, Liberty proposes to temporarily increase the storage area for processed scrap tires at the Monofill Facility to 27,500 square feet.

Liberty proposes to store the processed scrap tires at the Recovery Facility and Monofill Facility from approximately July 2017 through December 2017 during construction of the Phase II portion of the Monofill Facility. The temporary storage is needed to stockpile processed scrap tires that will be used to protect the Monofill Facility's recompacted soil liner from damage after its installation. The temporary storage piles will be configured in accordance with the scrap tire storage requirements in OAC Rule 3745-27-65.

Pursuant to Ohio Revised Code (ORC) Section 3734.02(A) and 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 of 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 Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, and 6111 and any rules adopted thereunder."

Ohio EPA has reviewed the Request and determined that granting variances to Liberty Tire Services of Ohio, LLC to temporarily store up to 57,500 square feet of processed scrap tires at the Recovery Facility and 27,500 square feet of processed scrap tires at the Monofill Facility, in accordance with the Request dated April 18, 2017, and revised June 20, 2017, 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 ORC Section 3734.02(A) and OAC Rule 3745-27-03(C)(5), Liberty is hereby granted variances to temporarily store up to 85,000 square feet of processed scrap tires at the Recovery Facility and Monofill Facility in accordance with the Request. Liberty shall configure the scrap tire storage areas authorized under this variance in a manner that complies with the scrap tire storage requirements set forth in OAC Rule 3745-27-65(F). These variances shall expire 60 days after receiving concurrence on certification of construction of the recompacted soil liner in Phase II of the Monofill Facility, or on March 31, 2018, whichever occurs first. Liberty shall ensure that any tires in the temporary storage areas approved in these variances shall be removed and disposed of or placed in previously-approved storage areas not later than the expiration date of the variances.

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 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
30 East Broad Street, 4th Floor
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Karen Naples of Ohio EPA, NEDO at (330) 963-1244.

Sincerely,



Craig W. Butler
Director, Ohio EPA

CWB: KN:cla

ec: Jarnal Singh, Ohio EPA, NEDO, DMWM,
Scott Hester, Ohio EPA, Central Office, DMWM
Phil Revlock, Stark County Health Department