



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

SEPTEMBER 19, 2017

Dale Arbaugh  
Arba Vue Farms, Inc.  
88620 Jewett Germano Road  
Jewett, OH 43986

Re: Arba-Vue Farms  
Director's Authorization  
Approval  
Scrap Tires  
Harrison County  
BENU022612

**Subject: Arba Vue Farms, Harrison County  
Scrap Tire Beneficial Use Approval**

Ohio EPA SEP 19 '17  
Entered Directors Journal

Dear Mr. Arbaugh:

On July 10, 2017, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southeast District Office (SEDO) received a request from Mr. Dale Arbaugh (Owner) to beneficially use scrap tires on the property located at 88620 Jewett Germano Road in Jewett, Harrison County, Ohio (Site).

The request was submitted pursuant to Ohio Administrative Code (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) or (E). In the request, the Owner proposes to use approximately 2,200 scrap tires to provide a moisture barrier between bales of hay and straw and the ground surface in three separate agricultural barns located at the Site.

Ohio EPA has reviewed the submitted information and has determined it meets the applicable requirements. Therefore, pursuant to OAC Rule 3745-27-78, I hereby approve your project plan for the beneficial use of scrap tires at the Site. As part of this approval, the Owner is subject to the following conditions:

**Conditions**

1. The scrap tires shall only be used as a moisture barrier between bales of hay and straw and the ground surface in three separate agricultural barns located at the Site, as described in the July 10, 2017 request.
2. No more than two thousand two hundred (2,200) scrap tires shall be used as a moisture barrier at the Site and/or stored at the Site at any one time.

3. Scrap tires being beneficially used shall be maintained such that the tires do not provide a breeding environment for mosquitoes.
4. All scrap tires not in use shall be stored in compliance with OAC Rule 3745-27-60 (B), including but not limited to requirements regarding mosquito control, pile size, and fire breaks.
5. Any scrap tires removed from the Site in quantities of ten (10) or more shall be transported by a registered scrap tire transporter. For tires transported from the Site by a registered scrap tire transporter, shipping papers must be retained on Site for a period of no less than three years.
6. If the scrap tires are removed from the approved beneficial use area at the Site, they shall be managed in accordance with Ohio's scrap tire regulations, unless otherwise authorized for disposal at a solid waste disposal facility.
7. 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.
8. 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 from responsibility under Ohio Revised Code (ORC) Chapters 3704, 3714, 3734, or 6111; 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 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

If you have any questions concerning this action, please contact Nathan Johnson,  
DMWM-SEDO at (740) 380-5439.

Sincerely,



Craig W. Butler  
Director

CB/NJ/mr

cc: Harrison County Health Department  
Channon Cohen, DMWM-CO  
Rich Fox, DMWM-SEDO