



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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Columbus, Ohio 43215

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P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

Mr. Peyton Haralson
U-Pull-&-Pay, LLC
426 W. Seymour Avenue
Cincinnati, Ohio 45202

**RE: U-Pull-&-Pay, Hamilton County
Beneficial Use of Whole Scrap Tires**

Dear Mr. Haralson:

On May 7, 2008, the Ohio Environmental Protection Agency received a request to beneficially use whole scrap tires mounted on rims to support an auto while it is being salvaged for parts. As described in the plan, U-Pull-&-Pay, LLC currently uses four scrap tires mounted on rims for each auto salvaged and would like to continue this practice.

This beneficial use does not create a mosquito problem since the tires remain on the rim. It also does not create an unacceptable risk of fire since the scrap tires are well separated with two scrap tires spaced at the front and back of each vehicle.

Based on the review of this request, the proposal is an appropriate beneficial use of scrap tires in accordance with Ohio Administrative Code (OAC) Rule 3745-27-78(F). The use of scrap tires in this project is hereby approved provided the following conditions are met:

1. No more than four scrap tires mounted on rims shall be placed under any single vehicle.
2. All scrap tires used in wheel stands must remain on rims while being beneficially used.
3. Scrap tires in excess of what are needed for this beneficial use shall be disposed of promptly using a registered scrap tire transporter. Any scrap tires, including used tires, removed from your site in quantities of 10 tires or more shall be transported by a registered scrap tire transporter.
4. U-Pull-&-Pay, LLC must comply with Ohio Administrative Code 3745-27-60 for all scrap tires (including used tires) stored at the site.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

5. No more than five thousand six hundred (5,600) scrap tires shall be used as components of wheel stands at this facility at any time.
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 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 any release of contaminants to the environment.

Ohio EPA assigns beneficial use project plan number 31-STBU-8209 to this project. This project plan number shall be used on all scrap tire shipping papers and any correspondence concerning this approval.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission (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 which the Commission, in its discretion, may reduce if by affidavit you demonstrate 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
309 South Fourth St.
Room 222
Columbus, Ohio 43215

If you have any questions regarding this approval, please contact Holly Hillyer of Ohio EPA, SWDO at (937) 285-6072 or Robert Large of Ohio EPA, CO at (614) 728-5347.

Sincerely,

Chris Korleski
Director

CK/KM/sw

Attachment: U-Pull-&-U-Pay Beneficial Use Plan, Received July 2, 2008

cc: Holly Hillyer, DSIWM/SWDO
Matthew Clayton, City of Cincinnati Department of Health
File