



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

OHIO E.P.A.

MAY 15 2014

ENTERED DIRECTOR'S JOURNAL

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Dmytro Cassider Date: 5-15-14

CERTIFIED

May 15, 2014

Mrs. Kym Prell
Mr. Mike Prell
2387 Martinsville Road
Martinsville, Ohio 45146

RE: Prell Tire House
Director's Authorization
Approval
Beneficial Use
Clinton County
BENU020315

**Subject: Prell Scrap Tire House Project, Clinton County
Ohio Administrative Code (OAC) Rule 3745-27-78 Authorization**

Dear Mr. and Mrs. Prell:

On November 1, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request from Kym and Mike Prell (Owners) to beneficially use scrap tires at the property located at 2387 Martinsville Road, Martinsville, Ohio (Site) in Clinton County. A revised request was received on April 9, 2014.

The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-78, which requires that the Director of Ohio EPA (Director) approve scrap tire beneficial use projects that are not specifically authorized in this rule. In your request, you propose to use one thousand four hundred and eighty (1,480) scrap tires to build a house on private property. This construction project would take place at the Site.

After reviewing the request and subsequent revisions, I have determined that the project plan meets the applicable rule requirements including the criteria set forth in OAC Rule 3745-27-78(J). 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 authorization, the Owners are subject to the following conditions:

CONDITIONS

1. The scrap tires shall only be used for construction of the house located at the Site.
2. No scrap tires shall be stored at the Site.

3. Upon proper identification, the Director or his authorized representative or employees of the Clinton County Health Department may enter the Site at reasonable hours to monitor compliance with this approval and the general scrap tire storage and handling requirements, including OAC Rule 3745-27-60.
4. The Ohio EPA beneficial use project plan number assigned to this project is 13-14-PRELL. This project plan number shall be used on any correspondence and on all scrap tire shipping papers.
5. Copies of all scrap tire shipping papers shall be retained at the Site for inspection until the construction report required by Condition Number 13 has been submitted, including copies of all scrap tire shipping papers.
6. If loads of ten (10) or fewer scrap tires are brought to the Site by someone other than a scrap tire transporter, the Owners shall keep a log. The log is to include the number of scrap tires in the load, who is transporting the scrap tires, and where the scrap tires originated.
7. Any scrap tires received at the Site in quantities of ten (10) or more shall be transported to the Site by a registered scrap tire transporter and shall be accompanied by the required shipping papers. For tires transported to the Site by a registered scrap tire transporter, the shipping papers must be retained on Site until copies of the shipping papers have been submitted with the construction report.
8. Any scrap tires removed from the Site in quantities of ten (10) tires or more shall be transported by a registered scrap tire transporter and delivered to an authorized destination as specified in OAC Rule 3745-24-56(C). For tires transported from the Site by a registered scrap tire transporter, shipping papers must be retained on Site until copies of the shipping papers have been submitted with the construction report.
9. In the event of a change in the project plans where scrap tires are no longer needed, the owners shall notify Ohio EPA of the change in project plans. Not later than thirty (30) days after such notification, the Owners shall remove any unused and/or unneeded scrap tires from the Site.
10. Not later than seven (7) days after construction with the use of scrap tires has been completed, the Owners shall notify Ohio EPA of the completion date.

11. Not later than thirty (30) days after construction with the use of scrap tires has been completed, the Owners shall remove any unused and/or unneeded scrap tires from the Site.
12. After construction has been completed, a notation shall be placed in the property deed for the Site stating that scrap tires were used in the construction of the house.
13. Not later than sixty (60) days after construction has been completed, the Owners shall submit a construction report which includes as built drawings, a summary of the number and location of scrap tires used, copies of all shipping papers, and verification of notation placed on the property deed, as required by OAC Rule 3745-27-78(H).
14. If the scrap tires are excavated or otherwise removed from the approved beneficial use at the Site, they shall be managed in accordance with Ohio's scrap tire regulations or disposed of at a licensed solid waste disposal facility, as appropriate.
15. Nothing in this letter shall be construed to authorize any waiver from the requirements of any applicable federal, state, or local 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.

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 (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

Kym and Mike Prell
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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

If you have any questions concerning this action, please contact Maria Lammers, DMWM, SWDO at (937) 285-6046.

Sincerely,



Craig W. Butler
Director

cc: Tracy Buchanan, DMWM-SWDO
Matt Johannes, Clinton County Health Department