



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

OHIO E.P.A.
SEP 12 2013

ENTERED DIRECTOR'S JOURNAL

CERTIFIED

September 12, 2013

Aaron and Amanda Rush
5695 Palos Lane
Hilliard, Ohio 43026

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: Zona Clements Date: Sept 12, 2013

**RE: Earthship House Project
Scrap Tire Beneficial Use Approval**

Dear Mr. and Mrs. Rush:

On March 25, 2013, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Southwest District Office (SWDO) received a request from Aaron and Amanda Rush (owners) to beneficially use scrap tires at the property located at 682 McAdams Road, Cable, Ohio in Champaign County. (Site)

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 approximately twenty thousand (20,000) scrap tires to build a house on private property. This construction project would take place at the Site.

After reviewing the request, I have determined that the project plan 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 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. Any scrap tires stored at the Site shall be stored in compliance with OAC Rule 3745-27-60(B).
3. Upon proper identification, the Director or his authorized representative or

employees of the Champaign County Health District 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 11-13-RUSH. 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 on Site for inspection until the construction report required by Condition Number 11 has been submitted, including copies of all scrap tire shipping papers.
6. Any scrap tires received at the Site in quantities of 10 tires 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.
7. Any scrap tires removed from the Site in quantities of 10 tires or more shall be transported by a registered scrap tire transporter and delivered to an authorized destination as specified in OAC Rule 3745-27-56(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.
8. 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.
9. Not later than seven (7) days after construction has been completed, the owners shall notify Ohio EPA of the construction completion date.
10. Not later than thirty (30) days after construction has been completed, the owners shall remove any unused and/or unneeded scrap tires from the Site.
11. 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.
12. Not later than sixty (60) days after construction has been completed, the applicant shall submit a report which includes as built drawings, a summary

report of all scrap tires used, copies of all shipping papers, and verification of notation placed on property deed, as required by OAC Rule 3745-27-78(H).

13. 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.
14. 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.

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, which the Commission, in its discretion, may reduce 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

Aaron and Amanda Rush
Earthship House Project
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If you have any questions concerning this letter, please contact Pat Willoughby of Ohio EPA, DMWM, SWDO at (937) 285-6648.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Nally". The signature is stylized and somewhat cursive.

Scott J. Nally
Director

cc: Tracy Buchanan, DMWM, SWDO
Brad King, Champaign County Combined Health District
Scott Hester, DMWM, CO