

OHIO E.P.A.

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**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

IN THE MATTER OF

Kimble Sanitary Landfill	:	Director's Final
3596 State Route 39 N.W.	:	Findings and Orders
Dover, Ohio 44622	:	

Pursuant to Ohio Revised Code (ORC) Chapter 3734, the Director of Environmental Protection (director) hereby makes the following Findings and issues the following orders.

FINDINGS

1. Kimble Sanitary Landfill (Kimble) owns and operates the landfill (Facility) located on State Route 39, approximately 3,000 feet west of Township Road 384 in Tuscarawas County. The Facility is a sanitary landfill facility as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01. Kimble is currently operating the Facility in accordance with PTI Number 06-4554 issued on December 16, 1998.
2. On July 13, 2000, the Ohio Environmental Protection Agency (Ohio EPA) approved a permit alteration to use shredded scrap tire chips as a leachate collection and drainage material as part of the Facility's separatory liner/leachate collection system.
3. By letter dated December 19, 2001, Kimble requested a variance from OAC Rule 3745-27-60(B)(6)(a) to store approximately 47,500 cubic yards of shredded scrap tire chips in windrows.
4. Ohio Administrative Code (OAC) Rule 3745-27-60(B)(6)(a) states that individual scrap tire storage piles shall be no greater than 2,500 square feet in basal area,
5. Specifically, Kimble proposes to beneficially use shredded scrap tires for the drainage layer in the leachate collection system in accordance with the alteration specified in Finding Number 2, above. However, to facilitate construction, Kimble is proposing to store scrap tires in windrows with basal areas greater than 2,500 square feet.

This is to be a true and accurate copy of the official document as filed in the records of the Ohio Environmental Protection Agency.

By: Zona K. Clements 3-22-02

6. OAC Rule 3745-27-19(E)(30) prohibits the disposal of shredded tires in a sanitary landfill facility after March 1, 1997. OAC Rule 3745-27-78 requires that persons proposing to beneficially use scrap tires in a manner authorized by paragraph (D) or (E) of that rule, but exceeding the storage rules in paragraph (C)(2)(b) of that rule, shall submit notification to the director, prior to storing the scrap tires in the manner proposed.
7. A beneficial use project plan is not required in accordance with OAC Rule 3745-27-78(F) since the beneficial use is authorized by OAC Rule 3745-27-78(E)(1). The December 19, 2001, letter specified in Finding Number 3, above, serves as the notification required by OAC Rule 3745-27-78(C)(2)(b).
8. Ohio Revised Code (ORC) Section 3734.02(A) provides that the director may grant a variance if the applicant demonstrates to the director's satisfaction that construction and operation of the solid waste facility in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment.
9. Based on the findings above, the information submitted with the request, and pursuant to the following orders, granting a variance from the requirement of OAC Rule 3745-27-60(B)(6)(a) for storage of the shredded tires in stockpiles greater than 2,500 square feet in basal area in the manner allowed by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or a hazard to the public health or safety or the environment.

ORDERS

1. Pursuant to ORC Section 3734.02(A), the Kimble Sanitary Landfill is hereby granted a variance from the requirement of OAC Rule 3745-27-60(B)(6)(a) in order to store shredded tires in stockpiles greater than 2,500 square feet in basal area at the Facility, provided that construction and operations at the Facility are conducted in accordance with OAC Chapter 3745-27, the Facility's approved permit, and all other applicable requirements.
2. Temporary storage of tire shreds prior to beneficial use as the leachate drainage layer shall not exceed 50,000 cubic yards.
3. Temporary storage of tire shreds prior to beneficial use as the leachate drainage layer shall be in piles with a width of no more than 50 feet and a height of no more than 14 feet.
4. Temporary storage of tire shreds prior to beneficial use as the leachate drainage layer shall be in accordance with the following chart specifying minimum fire lane

widths to maintain adequate space to isolate and fight a fire in the piles of tire shreds.

Minimum Fire Lane Width (ft.) as a Function of Pile Length and Height

Pile Length	Pile Height			
	8 ft. high	10 ft. high	12 ft. high	14 ft. high
25 ft. long	56	62	67	73
50 ft. long	75	84	93	100
100 ft. long	100	116	128	137
150 ft. long	100	116	128	137
200 ft. long	100	116	128	137
250 ft. long	100	116	128	137

5. Temporary storage area shall be confined to locations shown on the supplemental drawing submitted to Ohio EPA on January 3, 2002, near the construction site and near stockpiles of soil and clay to be used to aid in fighting any fire that should occur in the tire shreds.
6. The earth moving equipment and operators normally used at the site shall be made available to assist the fire department should a fire occur in the tire shreds.
7. Upon completion of the project, any tire shreds remaining in the temporary storage area shall be removed to a scrap tire facility or another approved beneficial use site within 30 days of completion of the separatory liner/ leachate collection system or not later than four years after the effective date of these findings and orders, whichever occurs earlier. If waste receipts at the Facility cause Kimble to delay the construction schedule, the end date can be extended for up to two additional years by notifying Ohio EPA's Southeast District Office, Divisions of Solid and Infectious Waste management in writing and obtaining written concurrence.
8. Kimble shall beneficially use the shredded scrap tires in accordance with the specifications and information submitted as part of the request, with the permit alteration specified in Finding Number 2, above, and with all other construction requirements of OAC Rule 3745-27-08 at the Facility.
9. Kimble shall comply with OAC Rule 3745-27-78(H) by assisting the scrap tire transporter in the completion of shipping papers and with OAC Rule 3745-27-57(E) by retaining a copy of the shipping paper for three years.

10. Kimble shall, in addition to the final report required by OAC Rule 3745-27-78(H)(5), submit scrap tire annual reports in accordance with OAC Rule 3745-27-65(J)(3) since the beneficial use approval is for a multi year period. The scrap tire annual report shall list two separate quantities: (1) the total quantity of scrap tire material delivered to the Facility during the past calendar year; and (2) the total quantity of scrap tire material beneficially used during the past calendar year.
11. All shipping papers, log entries, and scrap tire annual report information concerning scrap tires and scrap tire material delivered to the Facility for this beneficial use shall use the following beneficial use project number: 79-STBU-2014.
12. Nothing in the variance shall be construed to authorize any waiver from any other requirements of applicable state solid waste laws or regulations except as specified herein. This variance shall not be interpreted to release Kimble from responsibility under ORC Chapters 3704, 3714, 3434, or 6111; under the Federal Clean Water Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable laws for remedying conditions resulting from any release of contaminants to the environment. Nothing in this variance shall be construed to indicate that Kimble has operated, is operating, or will operate the Facility in compliance with applicable laws, regulations, and authorizing documents.

IT IS SO ORDERED



Christopher Jones
Director