

OHIO E.P.A.
DEC 18 2003

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ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the matter of:

Brian Hatfield
Liberty Tire Services of Ohio
3041 Jackson Pike
Grove City, Ohio 43123

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Director's Final
Findings and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are hereby issued to Liberty Tire Services of Ohio (Liberty) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Administrative Code (OAC) Rule 3745-27-03(B).

II. PARTIES

These Orders shall apply to and be binding upon Liberty and successors in interest liable under Ohio law. No changes in ownership of Liberty shall in any way alter Liberty's responsibilities under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the rules promulgated thereunder. Unless otherwise stated, all OAC Rule citations shall refer to rules currently effective.

IV. ACTION

The Director of Ohio EPA hereby makes the following findings and issues the following orders.

V. FINDINGS

1. Liberty is the owner and operator of a scrap tire monofill located at 14864 Lincoln Street S.E., Minerva, Stark County, Ohio.

[Signature] 12/18/03

2. On April 14, 2003, Ohio EPA issued a temporary exemption to Liberty to store whole and shredded scrap tires at the scrap tire monofill in excess of the storage limitations established in rule. The exemption expired on July 13, 2003.
3. On May 7, 2003, Liberty submitted an application for a class II scrap tire recovery facility (Facility) on the same property as the scrap tire monofill to allow Liberty to process scrap tires for recovery purposes at the monofill. Liberty revised the application on July 1, 2003.
4. OAC Rule 3745-27-65(E)(3)(a) states that the maximum storage for a scrap tire recovery facility is:
 - a. Seven times the facility's daily designed input capacity or 10,000 square feet of aggregate whole scrap tires and rough tire shreds, whichever is greater, and
 - b. 10,000 square feet of aggregate processed scrap tires or tire derived chips or tire derived fuel.
5. As part of the application described in Finding 3, above, Liberty requested an exemption to store an additional 8,700 square feet of whole tires and 23,920 square feet of tire derived chips in excess of the storage limitations established in OAC Rule 3745-27-65(E)(3)(a). The additional storage that Liberty requested is equivalent to the storage approved in the temporary exemption described in Finding 2, above.
6. Pursuant to OAC Rule 3745-27-03(B), the director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, including scrap tires, from any requirement of ORC Chapter 3734 or any rules adopted thereunder, if granting the exemption is unlikely to adversely affect the public health or safety or the environment.
7. Based upon review of the documents submitted, granting Liberty an exemption to store whole and processed scrap tires in excess of the storage limitations established in OAC Rule 3745-27-65(E)(3)(a) in the manner proposed is unlikely to adversely affect the public health or safety or the environment, provided Liberty complies with the following orders.

VI. ORDERS

1. Pursuant to OAC Rule 3745-27-03(B), Liberty is hereby exempted from the storage requirements of OAC Rule 3745-27-65(E)(3)(a).
2. Liberty shall not store more than 18,700 square feet of aggregate whole scrap tires and rough tire shreds at the scrap tire recovery facility.
3. Liberty shall not store more than 33,920 square feet of aggregate processed scrap tires including tire derived chips and tire derived fuel at the scrap tire recovery facility.
4. All scrap tires shall be stored in the locations and configurations provided in the plan drawings submitted on July 1, 2003. The facility shall maintain adequate operable equipment and sufficient soil for cover in the event of a fire.
5. All scrap tire storage areas shall be maintained with fire lanes in accordance with OAC Rule 3745-27-65(F)(1)(c).
6. All scrap tires shall be processed within seven days of acceptance.
7. All scrap tires accepted on rims shall have the rims removed the day of arrival or they must be stored in a location approved for the storage of whole scrap tires.
8. The owner or operator shall execute and fund a financial assurance instrument meeting the requirements of OAC Rules 3745-27-15, 3745-27-16 and 3745-27-17 prior to waste acceptance at the facility.
9. Nothing in these Orders shall be construed to authorize any other activity, method, or waiver from the requirements of Chapter 3734 or the regulations promulgated thereunder, except as expressly provided herein. These Orders shall not be interpreted to release Liberty from responsibility under ORC Chapters 3704, 3734, or 6111; under the Federal Clean Water Act or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements, including local laws, for remedying conditions resulting from any release of contaminants to the environment.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and

regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to Liberty.

VIII. RESERVATION OF RIGHTS

Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking other administrative, legal, or equitable action as deemed appropriate and necessary, including seeking penalties against Liberty for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Liberty to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of Liberty to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Liberty. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

IT IS SO ORDERED:



Christopher Jones, Director