



State of Ohio Environmental Protection Agency

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Issuance Date: _____

Effective Date: _____

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Mr. Jeff Troth
Universal Purifying Technology Company :
11887 State Route 122 : Director's Final Findings
Camden, Ohio 45311 : and Orders

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Universal Purifying Technology Company hereinafter (UPT), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under sections 3734.83 and 3745.01 of the Ohio Revised Code (ORC).

II. PARTIES BOUND

These Orders shall apply to and be binding upon UPT and its successors in interest liable under Ohio law. No change in ownership of UPT shall in any way alter UPT's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 3734 and 3745 and the rules promulgated thereunder.

IV. FINDINGS

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

The Director of Ohio EPA (Director) has determined the following Findings:

1. UPT is the owner and operator, as those terms are defined in Ohio Administrative Code (OAC) Rule 3745-27-01, of a proposed scrap tire transportation business, hereinafter (the Transporter), to be located at 2500 Jackson Pike, Columbus, Franklin County, Ohio (the Property).
2. OAC Chapter 3745-27 regulates the operation and closure of scrap tire transportation businesses.
3. Ohio EPA is the jurisdictional registration authority for UPT.
4. On November 23, 2001, and in accordance ORC Chapter 3734 and OAC Rule 3745-27-54, UPT applied for annual registration as a scrap tire transporter.
5. On November 30, 2001, UPT was notified by certified letter of the deficiency in the application. Specifically, the application did not include an executed financial assurance instrument, as required by OAC Rule 3745-27-54(C)(4).
6. On November 24, 2003, UPT submitted a draft financial assurance instrument which combined the financial assurance for the proposed Transporter and a proposed Class II scrap tire recovery facility. To date, that draft financial assurance instrument has not been executed.
7. OAC Rule 3745-27-55 sets forth the criteria for issuing scrap tire transporter annual registrations. Pursuant to OAC Rule 3745-27-55(A)(1), the issuing authority shall not issue a scrap tire transporter registration unless the application, including an executed and funded financial assurance instrument, is complete in accordance with OAC rule 3745-27-54.
8. In January 2004, the Board of Trustees of the Solid Waste Authority of Central Ohio voted not to grant a property lease to UPT for the Property.
9. On March 5, 2004, UPT was notified by certified mail of the continuing need to complete the application by submitting an executed financial assurance instrument. In addition, the letter requested a copy of a current access agreement for the Property. No written response to this letter has been received.
10. Because UPT has not submitted an executed financial assurance instrument or provided the additional information requested in the March 5, 2004 letter, UPT has failed to complete the application submitted on November 23, 2001.

11. Pursuant to OAC Rule 3745-27-55(A), "The director shall not approve any application for a registration certificate for a scrap tire transporter unless he determines all of the following: . . . (1)The application for a scrap tire transporter registration certificate, including an executed and funded financial assurance instrument, is complete in accordance with rule 3745-27-54 of the Administrative Code."
12. Pursuant to OAC Rule 3745-27-55(B), "The director may deny any application for an annual registration certificate for a scrap tire transporter if within thirty days of receipt of notification that the application is incomplete, the Applicant has not notified the director, in writing, that the application is being withdrawn, or has corrected noted deficiencies and resubmitted the application, or has submitted a written request for and obtained approval of a thirty-day extension."
13. Because UPT has failed to complete the application in a timely manner by submitting an executed and funded financial assurance instrument and because UPT has failed to correct the noted deficiencies, the Director, as the issuing authority, cannot issue a scrap tire transporter registration to UPT for the Transporter.

V. ORDERS

1. The application for a scrap tire transporter registration submitted by UPT for the Transporter is hereby denied.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to UPT.

VII. 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 UPT for non-compliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require UPT to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law

in the future. Nothing herein shall restrict the right of UPT to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of UPT.

IT IS SO ORDERED

Christopher Jones, Director
Ohio Environmental Protection Agency