



State of Ohio Environmental Protection Agency

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P.O. Box 1049  
Columbus, Ohio 43216-1049

Mr. Tom Secor, President  
Durable Corporation  
75 North Pleasant Street  
P.O. Box 290  
Norwalk, Ohio 44857

**Re: Durable Corporation  
Request for Exemption Pursuant to Ohio Revised Code Section 3734.02(G)**

Dear Mr. Secor:

On June 28, 2004, the Ohio Environmental Protection Agency (Ohio EPA) received a request, dated June 24, 2004, from Porter Wright Morris & Arthur LLP, on behalf of Durable Corporation for an exemption from the financial assurance requirements applicable to scrap tire recovery facilities in Ohio Administrative Code (OAC) Chapter 3745-27.

The exemption request was submitted in accordance with Ohio Revised Code (ORC) Section 3734.02(G), which states, in part, that the director may, by order, exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes, or processing solid waste that consists of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment, from any requirement to obtain a registration certificate, permit, or license or comply with other requirements of ORC Chapter 3734.

On October 13, 2004, Durable Corporation entered into a Consent Order filed in the Huron County Court of Common Pleas. The Consent Order contains a provision that stays the financial assurance requirements of OAC Chapter 3745-27 if the provisions of the Consent Order are met and compliance with the Consent Order is maintained.

Based on the information in the October 13, 2004, Consent Order, I have determined that granting an exemption from the financial assurance requirements set forth in OAC Chapter 3745-27 for a Class II Scrap Tire Recovery Facility is unnecessary because the Consent Order provides a mechanism for relief from the financial assurance requirements. Additionally, I cannot determine that granting such an exemption for unconditional relief from the financial assurance requirements is unlikely to adversely affect public health or safety or the environment. Therefore, I decline to approve your request.

Bob Taft, Governor  
Jennette Bradley, Lieutenant Governor  
Joseph P. Koncelik, Director

Mr. Tom Secor, President  
Durable Corporation  
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If you have any questions, please contact Mary Ann Miller of the Northwest District office at (419) 373-3060.

Sincerely,

Joseph P. Koncelik  
Director

JPK/MM/JS/sw

cc: Mr. Martin Seltzer, Porter Wright Morris & Arthur, LLP  
Mr. Bob Large, Ohio EPA, DSIWM, CO, Scrap Tire Unit  
Ms. Kelly Jeter, Ohio EPA, DSIWM, CO  
Ms. Jill Knapp, AGO  
File Copy: Huron County, Tires, Durable Corporation, Authorizing Document