



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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MAILING ADDRESS:

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

June 8, 2009

Mr. Gregory A. Jacomet
5610 Roseland Drive
Galena, Ohio 43021

**Re: Jacomet Hybrid Earthship House Project, Morgan County
Scrap Tire Beneficial Use Approval, Project Number 58-STBU-9124**

Dear Mr. Jacomet:

On March 19, 2009, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) received your request to beneficially use scrap tires at the property located at 460 South Best Road, Stockport, Morgan County, Ohio (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 the rule.

In your request, you propose to use approximately six hundred (600) scrap tires to build a house on private property. This construction project would take place at the property located at 460 South Best Road, Stockport, Morgan County, Ohio.

Ohio EPA has reviewed the submitted information and has determined 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 property located at 460 South Best Road, Stockport, Morgan County, Ohio. As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. The scrap tires shall only be used for construction of the house at the property located at 460 South Best Road, Stockport, Morgan County, Ohio.
2. No more than six hundred (600) scrap tires shall be used in construction of the house at the Site.
3. No more than six hundred (600) scrap tires shall be stored at the Site at any one time.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

4. All scrap tires not in use shall be stored in compliance with OAC Rule 3745-27-60(B), as effective November 1, 2007.
5. The Ohio EPA beneficial use project plan number assigned to this project is 58-STBU-9124. This project plan number shall be used on any correspondence and on all scrap tire shipping papers.
6. Scrap tires in excess of the quantity needed for this beneficial use shall be disposed of promptly using a registered scrap tire transporter. Any scrap tires received at or removed from the Site in quantities of 10 tires or more shall be transported by a registered scrap tire transporter.
7. If the scrap tires are excavated or otherwise removed from the approved beneficial use area 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.
8. Upon proper identification, the Director or an authorized representative may enter the Site to check for compliance with this approval and the general scrap tire storage and handling requirements, including OAC Rule 3745-27-60.
9. Once construction of the house is 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.
10. 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 you demonstrate 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

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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
309 South Fourth St.
Room 222
Columbus, Ohio 43215

If you have any questions regarding this approval, please contact Peter C. Thompson of Ohio EPA, DSIWM, Southeast District Office at (740) 380-5219 or Bob Large of Ohio EPA, DSIWM, Central Office at (614) 728-5347.

Sincerely,

Chris Korleski
Director

CK/KM/sw

cc: Peter C. Thompson, DSIWM, SEDO
Bob Large, DSIWM, CO
Terry McGrew, Morgan County Health Department