

OHIO E.P.A.  
JUN - 4 2002

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ENTERED DIRECTOR'S JOURNAL

BEFORE THE  
**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter Of:

County Disposal (Ohio), Inc.  
P. O. Box 248  
Upper Sandusky, Ohio 43351

Director's Final  
Findings and Orders

**I. JURISDICTION**

These Director's Final Findings and Orders (Orders) are issued to County Disposal (Ohio), Inc. (Owner) pursuant to the authority vested in the Director of Environmental Protection (Director) under Sections 3734.02 and 3745.01 of the Ohio Revised Code (ORC).

**II. PARTIES**

These Orders shall apply to and be binding upon the Owner. No change in ownership or operation relating to Wyandot Sanitary Landfill will in any way alter the Owner's responsibilities under these Orders. The Owner's obligation under these Orders may be altered only by the written approval of the Director.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapter 3734 and the regulations promulgated thereunder.

**IV. FINDINGS OF FACT**

The Director has determined the following findings of fact:

1. County Disposal (Ohio), Inc., is the owner, operator, permittee, and licensee of the Wyandot Sanitary Landfill (Facility), located at 11164 County Road Highway 4, in Wyandot County, Ohio. The Facility is a sanitary landfill as that term is defined in Ohio Administrative Code (OAC) Rule 3745-27-01. The Owner is currently operating the Facility pursuant to a permit-to-install (PTI Number 03-11447) issued on June 23, 1998 (the 1998 PTI).

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

By: Zona L. Clements Date: 6/4/02

2. On September 13, 2001, the Ohio Environmental Protection Agency (Ohio EPA) signed a contract with Central Ohio Contractors (COC), located at 2879 Jackson Pike, Grove City, Ohio 43123-9737, to remove 30,000 tons of scrap tires, scrap tire pieces, scrap tire bales, and associated solid waste (estimated at 2,100 tons) from the Kirby Scrap Tire Site. In accordance with COC's proposal, all solid wastes are to be disposed of at the Facility. If any scrap tire fire residuals and soil contaminated with scrap tire fire residuals are found on site, they can also be disposed as solid waste once the material has been tested and characterized as solid waste.
3. On August 21, 1999, a fire occurred at Kirby Scrap Tire Recycle, Inc. The pyrolytic oil generated by this fire contaminated a small amount of the scrap tires and tire shreds at the site. These tires cannot be processed by COC's equipment into shreds suitable for beneficial use. The normal shredding process creates a risk of releasing the oil to surface water run-off and causes additional exposure routes due to the handling of the tires. Free oil can be removed from the whole tires by cutting them into sections and allowing the free oil to drain into a retention area for collection.
4. During the fire fighting activity, many scrap tires were moved rapidly to contain the fire. These tires are coated with a thick layer of mud and are not suitable for processing into shredded tires for beneficial use. Additional mud coated tires are being found at the bottom of existing piles where these large piles have subsided into the ground over the years. These tires are also coated with too much mud to be processed into shredded tires for beneficial use.
5. Pursuant to ORC Section 3734.57(A), the Owner *is* required to collect and remit to the state a fee of \$1.75 per ton for the disposal of solid wastes at the Facility.
6. Pursuant to ORC Section 3734.82(G)(4), the Director is authorized to expend money from the Scrap Tire Management Fund to conduct scrap tire removal operations in accordance with ORC Section 3734.85. The contract referenced in Finding Number 2, above, is authorized under this provision.
7. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person generating, storing, treating, disposing of, or transporting solid waste in such quantities or under such circumstances that the Director determines are unlikely to adversely affect the public health or safety or the environment from requirements contained in ORC Chapter 3734 or OAC Chapter 3745-27.
8. Pursuant to ORC Section 3734.02(G), the Director has determined that issuance of an exemption to the Owner from collection of state disposal fees for solid wastes

from the Kirby Scrap Tire Site described in Findings Number 2, 3, and 4, above, and disposed of at the Facility is unlikely to adversely affect the public health or safety or the environment.

9. Pursuant to ORC Section 3734.02(G), the Director has determined that issuance of an exemption from OAC Rule 3734-27-19(E)(30) to the Owner for the disposal of solid waste, including cut scrap tires and scrap tire shreds contaminated with pyrolytic oil from the Kirby Scrap Tire Fire as described in Finding Number 3, above, at the Facility is unlikely to adversely affect the public health or safety or the environment.
10. Pursuant to ORC Section 3734.02(G), the Director has determined that issuance of an exemption from OAC Rule 3734-27-19(E)(30) to the Owner for the disposal of solid waste including cut scrap tires contaminated with mud from the Kirby Scrap Tire Site as described in Finding Number 4, above, at the Facility is unlikely to adversely affect the public health or safety or the environment.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Pursuant to ORC Section 3734.02(G), the Owner is hereby exempted from the operating restriction imposed by OAC Rule 3745-27-19(E)(30) in order to accept tire shreds and cut tires contaminated with pyrolytic oil from the clean-up of the Kirby Scrap Tire Recycle, Inc., site. The Owner shall only accept those tires that have been cut such that any free oil has drained from the tires. The Owner shall only accept material under this order upon receipt of verification from Central Ohio Contractors that the material originated at the Kirby Scrap Tire Recycle, Inc., site and can be disposed of as solid waste at a sanitary landfill.
2. Pursuant to ORC Section 3734.02(G), the Owner is hereby exempted from the operating restriction imposed by OAC Rule 3745-27-19(E)(30) in order to accept cut tires contaminated with mud from the cleanup of the Kirby Scrap Tire Recycle, Inc., site. The Owner shall only accept cut tires. The Owner shall only accept material under this order upon receipt of verification from Central Ohio Contractors that the material originated at the Kirby Scrap Tire Recycle, Inc., site and can be disposed of as solid waste at a sanitary landfill.
3. Pursuant to ORC Section 3734.02(G), the Owner is hereby exempted from the requirement of ORC Section 3734.57(A) to collect and remit the state disposal fee of \$1.75 per ton on solid waste removed by COC from the Kirby Scrap Tire Site until

November 1, 2002. This exemption applies to all solid waste originating from the Kirby Scrap Tire Site. This exemption is issued with the following conditions:

- a. This exemption does not apply to any solid waste originating at any point other than the Kirby Scrap Tire Site.
  - b. This exemption shall terminate on November 1, 2002.
  - c. Operations at the Facility shall be maintained in substantial compliance with all applicable environmental laws and regulations.
  - d. The Owner shall, if applicable, obtain from COC appropriate documentation including TCLP sampling results of scrap tire pyrolytic oil and fire residuals demonstrating that the waste accepted at the Facility under this exemption legally may be disposed of as a solid waste.
  - e. All log entries and other paperwork should list the "generator" as the "State Funded Cleanup of the Kirby Site." The monthly returns submitted by the Owner for the Facility for each month in which this material is received also shall include a reference to these Orders and the total amount of material exempted from state disposal fees by these Orders for the current reporting period.
4. These Orders shall terminate upon the completion of the contract described in Finding Number 2, above, for clean-up of the Kirby Scrap Tire Site.

## **VI. OTHER APPLICABLE LAWS**

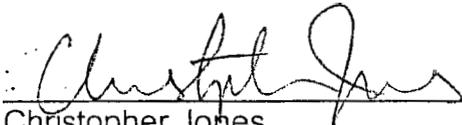
All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable federal, state, and local laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Owner's operation of the Facility. Ohio EPA reserves all rights and privileges except as specified herein.

## **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 for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Owner to perform additional activities pursuant to ORC Chapter 3734 or any other applicable law in the future. Nothing herein shall restrict the right of the Owner to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may see to require of the Owner. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

**IT IS SO ORDERED**

  
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Christopher Jones  
Director