

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Liberty Tire Services of Ohio	:	Director's Final
3041 Jackson Pike	:	Findings and Orders
Grove City, Ohio 43123	:	

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 (Director) under Ohio Revised Code (ORC) Sections 3734.02 and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Liberty and successors in interest liable under Ohio law. No change 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 regulations promulgated thereunder. Unless otherwise stated, all citations of the Ohio Administrative Code (OAC) shall refer to regulations currently effective.

IV. FINDINGS

1. Liberty is the owner and operator of a scrap tire monofill (Facility) located at 14864 Lincoln Street, S.E., Minerva, Stark County.
2. OAC Rule 3745-27-75(L) requires that the owner or operator shall ensure that all scrap tires arriving at a scrap tire monofill or monocell facility that are not immediately placed in the working face shall be placed at the facility's temporary scrap tire storage area, in

compliance with and meeting all the requirements of OAC Rule 3745-27-65, and shall not exceed 10,000 square feet of effective storage area.

3. OAC Rule 3745-27-65(F)(1)(a) requires that scrap tire storage piles shall be no greater than 2,500 square feet in basal area.
4. On November 20, 2002, and December 30, 2002, Liberty requested authorization to store scrap tires in excess of the ten thousand square feet of storage area allowed by OAC Rule 3745-27-75(L). Liberty also requested to configure the whole tire, shredded tire, and tire derived fuel storage areas in piles greater than 2,500 square feet in basal area.
5. Pursuant to ORC Section 3734.02(G), the Director may, by order, exempt any person generating, storing, treating, disposing of, or transporting solid wastes 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 permit or license or comply with other requirements of ORC Chapter 3734 and any rules adopted thereunder.
6. Granting a temporary exemption from the requirements of OAC Rules 3745-27-75(L) and 3745-27-65(F)(1)(a) in order to allow the storage of scrap tires in accordance with the requests dated November 20, 2002, and December 30, 2002, described in Finding No. 4, is unlikely to adversely affect the public health or safety or the environment provided it is performed in accordance with the Orders specified below.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G), Liberty is hereby exempted from the requirements of OAC Rules 3745-27-75(L) and 3745-27-65(F)(1)(a), which restrict the size of scrap tire storage areas and piles, in order to utilize more storage area at the Facility, in accordance with all of the following Orders.
2. Liberty shall utilize no more than 49,000 square feet of effective scrap tire storage area. The scrap tire storage piles may utilize a basal area greater than 2,500 square feet in basal area as specified in the plan drawings submitted December 30, 2002. These Orders are for the Facility specified in Finding No. 1.
3. The exemption granted in Order No. 1 shall expire 90 days after the effective date of these Orders unless otherwise authorized by Ohio EPA. In the event Liberty wishes to continue utilizing greater than 10,000 square feet of storage area and pile sizes greater than 2,500 square feet in basal area, Liberty must obtain approval from Ohio EPA for the

continued use of the additional storage area. Any request for continued authorization should demonstrate that the additional storage area does not adversely affect public health or safety or the environment.

4. All scrap tires must be stored in the locations and configurations provided in the plan drawings submitted on December 30, 2002. The facility must maintain adequate operable equipment and sufficient soil for cover in the event of a fire.
5. All scrap tire storage areas must maintain fire lanes in accordance with OAC Rule 3745-27-65(F)(1)(a).
6. All scrap tires must be processed within seven days of acceptance unless the appropriate mosquito control is utilized.
7. Not later than 60 days after the effective date of these Orders, Liberty shall submit to Ohio EPA an evaluation of the facility contingency plan and any revisions to the plan deemed necessary due to the increased scrap tire storage area.
8. Not later than 60 days after the effective date of these Orders, Liberty shall revise the financial assurance closure cost estimate to include the additional scrap tire storage area in accordance with OAC Rule 3745-27-75(M).
9. Nothing in these Orders shall be construed to authorize any 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 for remedying conditions resulting from any release of contaminants to the environment.

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 Liberty. 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 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 at the Facility.

IT IS SO ORDERED:

Christopher Jones, Director
Ohio Environmental Protection Agency