



State of Ohio Environmental Protection Agency

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Columbus, Ohio 43216-1049

CERTIFIED MAIL

Mr. Tom Dennis
11123 State Route 37
New Lexington, Ohio 43764

**RE: Tom Dennis Private Access Road, Perry County
Beneficial Use of Shredded Scrap Tires**

Dear Mr. Dennis:

On August 17, 2004, the Ohio Environmental Protection Agency (Ohio EPA) received a request to beneficially use scrap tire shreds for the construction of a private access road. This request was submitted on your behalf by Farleigh's Hold Consulting, LLC.

The request proposes to use shredded scrap tires as a replacement for aggregate in the construction of a private access road on property that you own at 10757 State Route 37 East. The benefits stated in your request are the removal of a local non-compliant tire shred pile and an economic benefit by replacing materials that would otherwise need to be purchased.

Based on the review of this request, the proposal is an appropriate beneficial use of shredded scrap tires in accordance with Ohio Administrative Code (OAC) Rule 3745-27-78(F). The use of scrap tires in this project is hereby approved provided the following conditions are met:

1. The shredded scrap tires shall only be used for the construction of a private access road at 10757 State Route 37 East.
2. The shredded scrap tires shall be placed in accordance with the August 17, 2004 plan submitted to Ohio EPA. The tire shreds may be placed up to four (4) feet in depth and up to 700 foot in length and shall not exceed the design criteria contained within the beneficial use design plan as received August 17, 2004.
3. If the shredded scrap tires are excavated or otherwise removed from the approved beneficial use area they shall be disposed as solid waste at an approved solid waste disposal facility.
4. No scrap tires shall be stored. All scrap tires shall be directly placed in the road bed.

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

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5. All scrap tire shreds shall be covered with at least 18 inches of aggregate or soil.

Ohio EPA assigns beneficial use project plan number 64-STBU-4302 to this project. This project plan number shall be used on any correspondence concerning this approval and on all scrap tire shipping papers.

You are hereby notified that this action of the Director of Environmental Protection is final and may be appealed to the Environmental Review Appeals Commission pursuant to Ohio Revised Code Section 3745.04. The appeal must be in writing and set forth the action complained of and the ground upon which the appeal is based. It must be filed with the Environmental Review Appeals Commission within thirty (30) days after notice of the Director's Action. A copy of the appeal must be served on the Director of Environmental Protection within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission, 236 East Town Street, Room 300, Columbus, Ohio 43215.

If you have any questions regarding this authorization, please contact Dale Warner of Ohio EPA, SEDO at (740) 380-5435.

Sincerely,

Joseph P. Koncelik
Director

JPK/DW/KM/sw

cc: Dale Warner, DSIWM/SEDO
File