



State of Ohio Environmental Protection Agency

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

Mr. Hein Manders
Mr. Walter Manders
Manders Dairy LLC
11190 Range Line Road
Weston, Ohio 43569

**Re: Manders Dairy LLC, Wood County
Scrap Tire Beneficial Use Approval, Project Number 87-STBU-6332**

Dear Gentlemen:

On October 18, 2006, the Ohio Environmental Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Northwest District Office (NWDO) received your request to beneficially use scrap tires at the Manders Dairy LLC farm, located near Weston, Ohio. 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 seven thousand eight hundred (7,800) scrap tire sidewalls to weigh down tarps on bunker silos, which are utilized for the storage of animal feed stock. This practice would take place at the operation located at 11190 Range Line Road. Using scrap tires in this manner is a cost-effective means of holding the tarps down on the bunker silos.

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 Manders Dairy LLC farm. As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. The scrap tire sidewalls shall only be used for holding down tarps on the bunker silos at the Manders Dairy LLC farm, located at 11190 Range Line Road, Weston, Ohio, Wood County.
2. No more than seven thousand eight hundred (7,800) scrap tire sidewalls shall be used and/or stored at the Manders Dairy LLC farm at any time.

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

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3. All scrap tire sidewalls not in use shall be stored in compliance with OAC rule 3745-27-60(B).
4. The Ohio EPA beneficial use project plan number assigned to this project is 87-STBU-6332. This project plan number should be used on any correspondence and on all scrap tire shipping papers.
5. 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 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

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Please contact Kimberly Burnham of Ohio EPA, DSIWM, NWDO at (419) 373-3049 if you have any questions or comments regarding this approval.

Sincerely,

Joseph P. Koncelik
Director

JPK/EMJ/sw

cc: Kimberly Burnham, DSIWM, NWDO
Robert Large, DSIWM, CO
Scott Hester, DSIWM, CO
Wood County Health District