



State of Ohio Environmental Protection Agency

STREET ADDRESS:

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September 20, 2007

Mr. Logan Medley
Medley's Housing and Installation
19583 State Route 31
Mt. Victory, Ohio 43340

**Re: Medley's Housing and Installation, Hardin County
Scrap Tire Beneficial Use Approval, Project Number 33-STBU-7239**

Dear Mr. Medley:

On August 2, 2007, the Ohio Environmental Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM) received your request to beneficially use scrap tires at the property located at 19583 State Route 31, Mt. Victory, Ohio, Hardin 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 forty thousand four hundred and twenty four (40,424) scrap tires to build a house, a horse barn, and a fence on private property. This construction project would take place at the property located at 19583 State Route 31, Mt. Victory, Ohio, Hardin County.

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 19583 State Route 31, Mt. Victory, Ohio, Hardin County. 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, horse barn, and fence at the property located at 19583 State Route 31, Mt. Victory, Ohio, Hardin County.
2. No more than forty thousand four hundred and twenty four (40,424) scrap tires shall be used in construction of the house, horse barn, and fence at the Site.
3. No more than one thousand five hundred (1,500) 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 March 29, 2002.
5. The fence shall be covered with cement as soon as an entire truckload of cement is able to be used.
6. The Ohio EPA beneficial use project plan number assigned to this project is 33-STBU-7239. This project plan number shall be used on any correspondence and on all scrap tire shipping papers.
7. 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.
8. If the scrap tires are excavated or otherwise removed from the approved beneficial use area, they shall be disposed of as solid waste at an approved solid waste disposal facility.
9. Upon proper identification, the director or an authorized representative, or an authorized representative of the board of health, 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.
10. Once construction of the fence, horse barn, and 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 fence, horse barn, and house.
11. The house, horse barn, and fence built with scrap tires shall be maintained such that tires are not exposed due to concrete flaking off or a partial collapse of the fence or structure. If the scrap tires become exposed, repairs shall be made to eliminate the exposure or the fence or structure shall be removed and the scrap tires shall be managed in accordance with Condition Number 8, above.
12. 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

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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

If you have any questions regarding this approval, please contact Jeremy Scoles of Ohio EPA, DSIWM, Northwest District Office at (419) 373-3079 or Robert Large of Ohio EPA, DSIWM, Central Office at (614) 728-5347.

Sincerely,

Chris Korleski
Director

CK/KM/sw

cc: Jeremy Scoles, DSIWM, NWDO
Robert Large, DSIWM, CO
Scott Hester, DSIWM, CO
Dave Zeller, Kenton-Hardin Local Health District