

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Jennifer Leupp, Jackie Leupp,
and William Leupp
dba J&J Hauling
101 South Third Street
Pioneer, Ohio 43554

Director's Final Findings
and Orders

Respondents

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are hereby issued to Jennifer Leupp, Jackie Leupp, & William Leupp dba J&J Hauling (collectively "Respondents") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Section 3734.13 of the Ohio Revised Code ("ORC").

II. PARTIES

These Orders shall apply to and be binding upon Respondents and their heirs and successors in interest liable under Ohio law. No change in ownership of Respondents' business shall in any way alter Respondents' obligations 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 rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondents Jennifer and Jackie Leupp are the owners of a scrap tire transporting business, J&J Hauling, located in Michigan, and conducted business in Ohio. Respondent William Leupp is employed by J&J Hauling and is the operator of the

- scrap tire transporting business. Respondent J&J Hauling never possessed a scrap tire transporter registration from the State of Ohio.
2. Respondents are "persons" as defined in ORC Section 3734.01(G) and Ohio Administrative Code ("OAC") Rule 3745-27-01(B)(27), as amended by OAC Rule 3745-27-01(P)(3)(effective August 15, 2003).
 3. Respondents never applied for or held a scrap tire transporter registration pursuant to ORC Section 3734.83(A) and OAC Rule 3745-27-54.
 4. In correspondence dated April 17, 1998, Respondents were notified that they were required to register as scrap tire transporters pursuant to OAC Rule 3745-27-54 if they wished to transport scrap tires in the State of Ohio. Respondents did not apply for a scrap tire registration.
 5. After inspecting several tire dealers in Ohio, Ohio EPA discovered that Respondent William Leupp had illegally transported scrap tires from these facilities to an unknown location. In correspondence dated October 12, 2000, and November 22, 2000, Respondents were notified of their violation of ORC Section 3734.83(A) for transporting scrap tires without a valid registration from Ohio EPA.
 6. During an inspection of Auto Impact Service, Montpelier, Ohio, on September 18, 2002, Ohio EPA discovered that Respondent William Leupp had transported scrap tires from that location on June 28, 2002, and on at least fifteen previous occasions in 2002. According to the facility's records, Respondents had transported 4842 scrap tires from January to June, 2002. In correspondence dated October 9, 2002, Respondents were notified of their violation of ORC Section 3734.83(A) for transporting scrap tires without a valid registration from Ohio EPA.
 7. To date, Respondents have not applied for a scrap tire registration from Ohio EPA.

V. ORDERS

Respondents shall achieve compliance with ORC Chapter 3734. and the rules promulgated thereunder according to the following:

1. Immediately upon the effective date of these Orders, Respondents shall cease transporting scrap tires in the State of Ohio until such time as Respondents obtain authorization to transport scrap tires pursuant to ORC Section 3734.83(A) and OAC Rule 3745-27-54.

VI. TERMINATION

Respondents' obligations under these Orders shall terminate when Respondents certify in writing that Respondents have obtained authorization to transport scrap tires pursuant to ORC Section 3734.83(A) and OAC Rule 3745-27-54 and the Chief of Ohio EPA's Division of Solid and Infectious Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondents of the obligations that have not been performed, in which case Respondents shall have an opportunity to address any such deficiency and seek termination as described above.

This certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondents to Ohio EPA and shall be signed by Respondents.

VII. 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. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondents.

VIII. NOTICE

All documents required to be submitted by Respondents pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Solid and Infectious Waste Management
Attn: Unit Supervisor, DSIWM
347 North Dunbridge Road
Bowling Green, OH 43402

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

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

X. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IT IS SO ORDERED:

Ohio Environmental Protection Agency

Christopher Jones, Director

Date

