



State of Ohio Environmental Protection Agency OHIO E.P.A.

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SEP -9 2010

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ENTERED DIRECTOR'S JOURNAL

SEP 09 2010

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

Mr. Charles Brinn
Duck Creek Auto Parts, Inc.
4528 Kellogg Avenue
Cincinnati, Ohio 45226

By:  Date: 9.9.10

**Re: Duck Creek Auto Parts, Inc., Hamilton County
Ohio Administrative Code (OAC) Rule 3745-27-78(F)
Scrap Tire Beneficial Use Approval**

Dear Mr. Brinn:

On August 5, 2010, the Ohio Environmental Protection Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southwest District Office (SWDO) received a request to beneficially use whole scrap tires mounted on rims to support a vehicle while it is being salvaged for parts. As described in the submitted plan (plan), Duck Creek Auto Parts, Inc. (Duck Creek) currently uses six (6) scrap tires (3 stacks of 2 tires each per vehicle) to support the salvage vehicles and would like to continue this practice.

As noted in the Plan, this beneficial use should not create a mosquito problem since the scrap tires will remain on the rims while in use as supports and all unused scrap tires are placed in the designated storage area and tarped until picked up by Rumpke (registered scrap tire transporter).

Ohio EPA has reviewed the Plan and has determined that it is an appropriate beneficial use of scrap tires and meets applicable requirements. Therefore, pursuant to OAC Rule 3745-27-78(F), I hereby approve your plan for the beneficial use of scrap tires at Duck Creek. As part of this approval, Duck Creek is subject to the following conditions:

CONDITIONS

1. The scrap tires shall only be used for vehicle supports at Duck Creek.
2. No more than six (6) scrap tires mounted on rims shall be placed under any single vehicle at any time.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

3. All scrap tires used in this manner shall remain on rims while being beneficially used.
4. Duck Creek shall comply with OAC Rule 3745-27-78 for the beneficial use activities outlined in the submitted plan.
5. All scrap tires not in use shall be stored in compliance with OAC Rule 3745-27-60(B), as effective November 1, 2007.
6. Upon proper identification, the director of Ohio EPA (Director) or an authorized representative may enter Duck Creek to check for compliance with this approval and the general scrap tire storage and handling requirements, including OAC Rule 3745-27-60.
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 Duck Creek in quantities of 10 tires or more shall be transported by a registered scrap tire transporter.
8. 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 Duck Creek 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 Ohio Revised Code 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, made payable to "Ohio Treasurer Kevin Boyce," 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

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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 Street, Room 222
Columbus, OH 43215

If you have any questions regarding this authorization, please contact Holly Hillyer of Ohio EPA, DSIMW, SWDO at (937) 285-6072 or Robert Large of Ohio EPA, DSIWM, Scrap Tire Unit at (614) 728-5347.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Korleski". The signature is fluid and cursive, with a large initial "C" and a distinct "K" for "Korleski".

Chris Korleski, Director

Attachment: Duck Creek Auto Parts, Inc. Beneficial Use Plan, received August 5, 2010.

cc: Rick Thornburg, Cincinnati Health Department