



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

November 21, 2011

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.

Bryan Jones  
Liberty Tire Services of Ohio, LLC  
14864 Lincoln Street SE  
Minerva, OH 44657-8548

By: Scott J. Nally Date: 11-21-11

**Re: Liberty Tire Services of Ohio, LLC, Stark County  
Beneficial Use of Scrap Tires Approval**

Dear Mr. Jones:

On September 20, 2011, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Northeast District Office (NEDO) received a document from Liberty Tire Services of Ohio, LLC (Liberty) titled *Project Submission for use of Mechanical Concrete under OAC Rule 3745-27-78(F)* (Plan) dated September 19, 2011. The submitted document is a request to beneficially use scrap tires as "Mechanical Concrete" in the construction of a ¼ mile access road between Liberty's Class II Tire Recovery Facility and the Tire Monofill. Creation of Mechanical Concrete involves removal of the tire sidewalls, filling the tire cylinders with aggregate material, and using them as a road base.

As noted in the Plan, this beneficial use does not create a mosquito problem due to the tire sidewalls being removed and the tire cylinders being filled with aggregate material. The tire cylinders will be stored in trailers prior to being used in construction of the access road.

Ohio EPA has reviewed the Plan and has determined that it is an appropriate beneficial use of scrap tires, meets the requirements of Ohio Administrative Code (OAC) Rule 3745-27-78, and is unlikely to adversely affect public health or safety or the environment or create a nuisance. Therefore, I hereby approve the Plan for the beneficial use of scrap tires as described in the September 20, 2011, submittal. As a part of this approval, Liberty is subject to the following conditions:

**CONDITIONS**

1. The scrap tires shall be used only in the construction of the access road.
2. Liberty shall comply with OAC Rule 3745-27-78 for the beneficial use activities

outlined in the submitted Plan. [Please note the specific requirements of OAC Rule 3745-27-78(H).]

3. All scrap tires not in use shall be stored in compliance with OAC Rules 3745-27-60(B) and 3745-27-78(J)(7).
4. Upon proper identification, the director of Ohio EPA (Director) or an authorized representative may enter Liberty and/or the construction area to confirm compliance with this approval and with the general scrap tire storage and handling requirements outlined in OAC Rule 3745-27-60.
5. Scrap tires in excess of the quantity needed for this beneficial use shall be promptly delivered to an authorized destination, as described in OAC Rule 3745-27-56(C)(1).
6. 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 Liberty 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.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals 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, made payable to "Treasurer, State of Ohio." The Commission, in its discretion, may reduce the fee if by affidavit it is demonstrated 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  
77 South High Street, 17th Floor  
Columbus, Ohio 43215

If you have any questions concerning this letter, please contact Joshua Adams of Ohio EPA, DMWM-NEDO at (330) 963-1103.

Sincerely,



Scott J. Nally, Director  
Ohio EPA

cc: Karen Naples, DMWM-NEDO  
Joshua Adams, DMWM-NEDO  
Kirk Norris, Stark County Health Department

