



**Environmental
Protection Agency**

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

OHIO E.P.A.

APR -3 2012

ENTERED DIRECTOR'S JOURNAL



APR 03 2012

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. Arnold Scott, Owner
Scott Wrecking C&DD Landfill
5336 Ebright Road
Canal Winchester, Ohio 43110

By Jon Lussler Date: 4-3-12

**Re: Scott Wrecking C&DD Landfill, Franklin County
Variance to Allow Stockpiling of Scrap Tire Shreds for Use in Leachate
Drainage Layer**

Dear Mr. Scott:

On March 5, 2012, the Ohio Environmental Protection Agency (Ohio EPA), Division of Materials and Waste Management (DMWM), Central District Office (CDO) received a variance request pursuant to Ohio Administrative Code (OAC) Rule 3745-27-03(C) to stockpile scrap tire shreds at the Scott Wrecking C&DD Landfill (Facility) in Franklin County in anticipation of their use in a drainage layer at the Facility.

OAC Rule 3745-27-78(C)(1)(c) requires that shredded scrap tires stored at a licensed construction and demolition debris landfill prior to beneficial use at that facility be stored in accordance with OAC Rule 3745-27-65. OAC Rule 3745-27-65(F)(2) allows storage of scrap tire shreds in piles up to 50 feet wide by 250 feet long by 14 feet high if the tires are a uniformly shredded product obtained from whole tires where the maximum size of 95% of the scrap tire shreds is less than or equal to 4 inches in any direction. If the size of the scrap tire shreds does not meet these specifications, then the maximum allowable size of scrap tire shred piles is limited to 2500 square feet in basal area and 14 feet in height.

The scrap tire shreds the Owner proposes to use for the drainage layer in Cell 1B are 4 inch by 6 inch scrap tire shreds. Because the scrap tire shreds are larger than 4 inches in any direction, storage is limited to stockpiles not exceeding 2500 square feet in basal area. However, because the scrap tire shreds intended for beneficial use in construction of the drainage layer are only slightly larger than the 4-inch maximum dimension, and because the scrap tire shreds will only be stockpiled temporarily until the disposal cell is constructed, the Owner has proposed storing the scrap tire shreds in

stockpiles measuring 50 feet wide by 125 feet long by 14 feet high with a 137 foot fire lane between piles.

Pursuant to ORC Section 3734.02(A) and OAC Rule 3745-27-03(C), the Director may grant a variance if he determines that construction, operation, closure activities, and/or post-closure activities in the manner approved by the variance and any terms or conditions imposed as part of the variance will not create a nuisance or hazard to public health or safety or the environment and is unlikely to result in a violation of any other requirements of Chapters 3704., 3714., 3734., and 6111. of the Ohio Revised Code and any rules adopted thereunder.

Upon review of the March 5, 2012 variance request, and in accordance with OAC Rule 3745-27-03(C), I have determined that storage of the scrap tire shreds at the Scott Wrecking C&DD Landfill in accordance with the request and the following conditions will not create a nuisance or a hazard to the public health or safety or the environment, and is unlikely to result in a violation of any other requirements of Chapters 3704., 3714., 3734., and 6111., of the Ohio Revised Code and any rules adopted thereunder. Therefore, I hereby authorize a variance to allow storage of the scrap tire shreds at the Scott Wrecking C&DD Landfill in accordance with the request received on March 5, 2012 if the following conditions are met.

CONDITIONS

1. The maximum size of the scrap tire shred stockpiles shall be 50 feet wide by 125 feet long by 14 feet high with a minimum 137 foot fire lane between each pile.
2. The maximum size of 95% of the scrap tire shreds shall be 4 inches by 6 inches.
3. During the time when the tire shreds are being stored, the Scott Wrecking C&DD Landfill shall maintain the following appropriately functioning equipment to be used to help fight any fire that may occur within the scrap tire shred piles:
 - 2 track loaders
 - 1 track hoe
 - 2 bulldozers
 - 1 water truck
4. This variance shall expire on October 1, 2012.

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 pursuant to Section 3745.04 of the Ohio Revised Code. 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 regarding this variance, please contact Phil Farnlacher of Ohio EPA, DMWM, CDO at (614) 728-3778.

Sincerely,



Scott J. Nally, Director
Ohio Environmental Protection Agency