

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Mr. Richard W. Parker	:	
d.b.a. Parker Tire Disposal	:	Director's Final Findings
5608 Akron-Cleveland Road	:	and Orders
Hudson, Ohio 44236	:	

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Mr. Richard W. Parker d.b.a. Parker Tire Disposal ("Parker"), pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Section 3734.83 and Ohio Administrative Code ("OAC") Rule 3745-27-55.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Parker and his heirs and successors in interest liable under Ohio law. No change in ownership of the Property (as hereinafter defined) shall in any way alter Parker's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA ("Director") has determined the following findings:

1. Parker is the owner and operator, as those terms are defined in OAC Rule 3745-27-01, of a scrap tire transportation business located at 5608 Akron-Cleveland Road, Boston Township, Summit County, Ohio (the "Property").
2. OAC Chapter 3745-27 regulates the operation and closure of scrap tire transportation businesses.

3. Ohio EPA is the jurisdictional authority for issuing a scrap tire transporter registration to Parker.
4. On February 1, 2005, and in accordance ORC Chapter 3734. and OAC Rule 3745-27-54, Parker applied for annual registration as a scrap tire transporter.
5. Parker has approximately 750,000 scrap tires illegally disposed of on the Property located at 5608 Akron-Cleveland Road, Boston Township, Summit County.
6. On July 15, 1997, Summit County General Health District ("SCGHD") and Parker signed a settlement agreement. The agreement included a ten-year scrap tire removal plan. Parker failed to meet the yearly tire removal goals for each year of the plan.
7. On January 6, 2004, Gene Nixon, Health Commissioner, SCGHD, sent a letter to Robert Large, Supervisor, Ohio EPA DSIWM Scrap Tire Unit, requesting the use of the state's scrap tire abatement funds to remove the scrap tires at the Property.
8. On October 25, 2004, Christopher Jones, Director, Ohio EPA, issued Final Findings and Orders ("FFOs") to Parker requiring abatement of the scrap tires on the Property, pursuant to ORC Section 3734.85. The cleanup deadline was February 24, 2005 (120 days from the effective date of the FFOs). Parker did not comply with the FFOs.
9. OAC Rule 3745-27-55 sets forth the criteria for issuing scrap tire transporter annual registrations.
10. Pursuant to OAC Rule 3745-27-55(A)(3), the issuing authority shall not issue a scrap tire transporter registration unless the applicant is in compliance with all applicable orders issued by the director or with any applicable order of a board of health maintaining a program on the approved list in Ohio. Parker is not in compliance with the FFOs issued by Ohio EPA on October 25, 2004.
11. Because Parker has failed to comply with the FFOs issued on October 25, 2004, the Director, as the issuing authority and in accordance with OAC Rule 3745-27-55(A)(3), shall not issue a scrap tire transporter registration to Parker.
12. Pursuant to OAC Rule 3745-27-55(C)(3), the director may deny, suspend, or revoke the transporter registration certificate for failure to comply with director's orders to remove and properly dispose of scrap tires, which were either delivered by the transporter to a location not authorized to receive scrap tires by OAC Chapter 3745-27 or open dumped by the transporter.

13. Because Parker has failed to comply with the FFOs issued on October 25, 2004, to remove and properly dispose of the scrap tires placed on the Property by Parker, the Director, as the issuing authority and in accordance with OAC Rule 3745-27-55(C)(3), may deny the scrap tire transporter registration to Parker.

V. ORDERS

1. The application for annual scrap tire transporter registration submitted by Parker on February 1, 2005, is hereby denied.

VI. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state, and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Parker or the Property.

VII. 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 Parker for non-compliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Parker to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of Parker to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Parker.

IT IS SO ORDERED

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency