



State of Ohio Environmental Protection Agency

STREET ADDRESS:

MAILING ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

P.O. Box 1049
Columbus, Ohio 43216-1049

CERTIFIED MAIL

Lemuel Dairy Farms
Attn: Mr. Steve Henry
11744 Turkey Flat Rd. SE
Uhrichsville, Ohio 44683

**Re: Lemuel Dairy Farm, Tuscarawas County
Scrap Tire Beneficial Use Approval, Project Number 79-STBU-1105**

Dear Mr. Henry:

On November 23, 2005, the Ohio Environmental Agency (Ohio EPA), Division of Solid and Infectious Waste Management (DSIWM), Southeast District Office (SEDO) received your request to beneficially use scrap tires at the Lemuel Dairy Farm located in Uhrichsville, Ohio. The request was submitted pursuant to Ohio Administrative Code (OAC) Rule 3745-27-78, which requires the Director of Ohio EPA (Director) to approve scrap tire beneficial use projects that are not specifically authorized in the rule.

In your request, you propose to use eight thousand (8,000) split half scrap tires to weigh down tarps on the bunker silos, which are utilized for the storage of animal feed stock. This practice would take place at the operation located at 11744 Turkey Flat Road, SE. Using scrap tires in this manner is a cost effective means of holding the tarps down on the bunker silos.

Ohio EPA has reviewed the submitted information and has determined the project plan meets the applicable requirements. Therefore, pursuant to OAC Rule 3745-27-78, I hereby approve your project plan for the beneficial use of scrap tires at the Lemuel Dairy Farm. As part of this approval, the owner or operator is subject to the following conditions:

CONDITIONS

1. The split half scrap tires shall only be used for holding down tarps on the bunker silos at the Lemuel Dairy Farm, located at 11744 Turkey Flat Rd, SE, Uhrichsville, Ohio, Tuscarawas County.
2. Mosquitoes shall be controlled in split half scrap tires in use and/or stored in accordance with paragraphs (B)(8), (B)(9), and (B)(10) of OAC Rule 3745-27-60.
3. No more than eight thousand (8,000) split half scrap tires shall be used and/or stored at the Lemuel Dairy Farm at any time.

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

4. All split half scrap tires not in use shall be stored in compliance with OAC Rule 3745-27-60(B).
5. 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 the owner or operator 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 of Ohio EPA (Director) is final and may be appealed to the Environmental Review Appeals Commission (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. A copy of the appeal must be served on the Director within three (3) days of filing with the Commission. 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, Ohio 43215

Please contact Dale Warner of Ohio EPA, DSIWM, SEDO at (740) 380-5435 if you have any questions or comments regarding this approval. The Ohio EPA beneficial use project plan number assigned to this project is 79-STBU-1105. This project plan number should be used on any correspondence and on all scrap tire shipping papers.

Sincerely,

Joseph P. Koncelik
Director

JPK/MG/sw

cc: Dale Warner, DSIWM-SEDO
Robert Large, DSIWM-CO
Scott Hester, DSIWM-CO
Tuscarawas County General Health District
File