

Issuance Date: _____

Effective Date: _____

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Liberty Tire Services of Ohio, LLC.	:	<u>Director's Final</u>
14864 Lincoln St SE	:	<u>Findings and Orders</u>
Minerva, OH 44657	:	
	:	

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Liberty Tire Services of Ohio, LLC., pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) Sections 3734.02(G) and Ohio Administrative Code (OAC) Rule 3745-27-03(B).

II. PARTIES BOUND

These Orders shall apply to and be binding upon Liberty Tire Services of Ohio, LLC, and any successors in interest liable under Ohio law. No change in ownership of Liberty Tire Services of Ohio, LLC, or of the Facility, as hereinafter defined, shall in any way alter Liberty Tire Services of Ohio, LLC'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. Liberty Tire Services of Ohio, LLC, is the owner and operator of a Class II Scrap Tire Recovery Facility (Facility), located at 14864 Lincoln Street SE, Minerva, Ohio 44657.

2. A Class II Scrap Tire Recovery Facility is limited to a Daily Design Intake Capacity (DDIC) of less than two hundred tons of scrap tires per day.
3. A Class I Scrap Tire Recovery Facility is a scrap tire recovery facility with a permitted DDIC of two hundred tons of scrap tires per day or greater.
4. As required by ORC Section 3734.78, OAC Rule 3745-27-63(B) provides that a permit to install application shall be submitted to and approved by the Director, before the establishment or modification of a Class I Scrap Tire Recovery Facility is begun.
5. On April 6, 2006, a fire damaged scrap tire processing equipment at the Liberty Tire Services of Ohio, LLC, Grove City, Ohio Class II Scrap Tire Recovery Facility.
6. On April 7, 2006, Liberty Tire Services of Ohio, LLC, requested that a temporary increase in the Facility's DDIC to 475 tons of scrap tires per day be granted for a period of 120 days. Liberty Tire Services of Ohio, LLC, proposes to add an additional working shift to increase the scrap tire processing capacity at the Minerva facility until the Grove City, Ohio Class II Scrap Tire Recovery Facility can be repaired.
7. Liberty Tire Services of Ohio, LLC, also requested to switch the allowable contents of two scrap tire stockpiles on the site. Stockpile Number 3 is currently designated for whole scrap tires and Stockpile Number 7 is currently designated for shredded scrap tires. Liberty Tire Services of Ohio, LLC, requested to utilize Stockpile Number 3 for storage of shredded scrap tires, and Stockpile Number 7 for the storage of whole scrap tires. Liberty Tire Services of Ohio, LLC, is not requesting to increase the number of scrap tires that can be stored on the site.
8. ORC Section 3734.02(G) provides that the Director may exempt any person generating, collecting, storing, treating, disposing of, or transporting solid wastes or hazardous waste, or processing solid wastes that consist of scrap tires, in such quantities or under such circumstances that, in the determination of the director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a registration certificate, permit, or license or comply with the manifest system or other requirements of this chapter.
9. Granting an exemption from the requirements of ORC Section 3734.78 and OAC Rule 3745-27-63(B) that a permit to install application be submitted to and approved by the Director in order to temporarily increase the Facility's DDIC to 475 tons per day, as specified in the April 7, 2006, request, is unlikely to adversely affect the public health or safety or the environment, provided Liberty Tire Services of Ohio,

LLC complies with the following Orders.

V. ORDERS

1. Pursuant to ORC Section 3734.02(G) and OAC Rule 3745-27-63(B), Liberty Tire Services of Ohio, LLC is hereby granted an exemption from the requirements of ORC Section 3734.78 and OAC Rule 3745-27-63(B) that a permit to install application be submitted to and approved by the Director before establishment of a Class I Scrap Tire Recovery Facility is begun, in order to increase the DDIC at the Minerva Class II Scrap Tire Recovery Facility from two hundred (200) tons of scrap tires per day to four hundred seventy five (475) tons of scrap tires per day.
2. The exemption granted in Order Number 1, above, shall expire one hundred twenty (120) days after the effective date of this authorization.
3. Liberty Tire Services of Ohio, LLC, is hereby approved to utilize Stockpile Number 3 for storage of shredded scrap tires and Stockpile Number 7 for the storage of whole scrap tires.
4. Nothing in this authorization shall be construed to authorize any waiver or exemption from the requirements of any other applicable solid waste law or regulation. This authorization shall not be interpreted to release Liberty Tire Services of Ohio, LLC, from responsibility under ORC Chapters 3704, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control 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.
5. Issuance of this authorization does not constitute expressed or implied agreement that operation of the Facility in accordance with this authorization will constitute compliance with applicable state and federal laws, rules, and regulations, nor does issuance of this authorization ensure that necessary operating permits or licenses will be granted.
6. If the increased waste receipt authorized under this exemption results in operational violations at Liberty Tire Services of Ohio, LLC's Minerva Class II Scrap Tire Recovery Facility, this authorization may be revoked upon written notification from the Director.

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 Liberty Tire Services of Ohio, LLC, and/or the Facility.

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 Liberty Tire Services of Ohio, LLC, for noncompliance with these Orders.

Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require Liberty Tire Services of Ohio, LLC, to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of Liberty Tire Services of Ohio, LLC, to raise any administrative, legal, or equitable claim or defense with respect to such further actions which Ohio EPA may seek to require of Liberty Tire Services of Ohio, LLC. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations which may occur at the Facility.

IT IS SO ORDERED

Joseph P. Koncelik, Director
Ohio Environmental Protection Agency