



State of Ohio Environmental Protection Agency

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Columbus, OH 43216-1049

November 27, 2006

CERTIFIED MAIL

Glen Cook
7495 State Route 8
Butler, Indiana 46721

Director's Final Findings & Orders

Dear Sir or Madam:

Transmitted herewith are Final Findings & Orders of the Director concerning the matter indicated.

Sincerely,

Kimberly Reese
Systems Management Unit
Division of Solid & Infectious Waste Management

cc: Ed Gortner, CO, DSIWM
Jeff Hurdley, Ohio EPA, Legal
Ellen Gerber, NWDO, DSIWM

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

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

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.

By: M.A. Shmida Date: 11/27/06

In the Matter Of:

Glen Cook :
7495 State Route 8 :
Butler, Indiana 46721 :

Director's Final Findings
and Orders

ENTERED DIRECTOR'S JOURNAL

NOV 27 2006

OHIO E.P.A.

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Glen Cook ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") Sections 3734.13, 3734.85, 3714.12, and 3745.01.

II. PARTIES

These Orders shall apply to and be binding upon Respondent 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 Respondent's responsibilities under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as used in ORC Chapters 3714. and 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is the owner of multiple parcels of land, located at 525 South Main Street, Hicksville, Defiance County, Ohio, pursuant to a deed recorded at Volume 81, page 988 in Defiance County Recorder's Official Records (the "Property"). The Property is further identified as Defiance County Auditor parcel numbers E06-0023-0-010-00, E06-0023-0-011-00, and E06-0023-0-012-00.

2. Respondent is a "person" as that term is defined in ORC Sections 3714.01(G) and 3734.01(G), and in Ohio Administrative Code ("OAC") Rules 3745-27-01(P)(3) and 3745-400-01(DD).
3. There are currently an estimated 1,000 scrap tires illegally disposed of on the Property.
4. The Property is neither licensed nor permitted as a scrap tire collection facility, a solid waste disposal facility, a construction and demolition debris ("C&DD") facility, a junk yard, or any type of legitimate recycling facility.
5. Scrap tires are included in the definition of "solid wastes" under ORC Section 3734.01(E) and OAC Rule 3745-27-01(S)(24).
6. The open dumping of scrap tires is a violation of ORC Section 3734.03 and OAC Rule 3745-27-05(C) which respectively state that "[n]o person shall dispose of solid wastes by open burning or open dumping ..." and "[n]o person shall conduct, permit, or allow open dumping."
7. OAC Rule 3745-27-01(O)(4)(b) defines open dumping as, "the final deposition of scrap tires on or into the ground at any place other than a scrap tire collection, storage, monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code, or at a site or in a manner not specifically identified in division (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), or (C)(10) of section 3734.85 of the Revised Code, or at any licensed solid waste facility if the deposition is not in accordance with Chapters 3745-27 and 3745-37 of the Administrative Code."
8. OAC Rule 3745-27-60(B) provides that storage of scrap tires in any amount outside or inside a building shall be deemed a nuisance, a hazard to public health or safety, or a fire hazard unless the tires are stored in accordance with the standards set forth within OAC Rule 3745-27-60(B)(1) - (10).
9. Scrap tires, if not properly managed, may become a breeding ground for mosquitoes. Mosquitoes are a common disease vector for St. Louis encephalitis, La Crosse encephalitis, Yellow Fever, West Nile Virus and Dengue Fever.
10. The Respondent has created an unpermitted, unlicensed "solid waste disposal facility" and "open dump," as those terms are defined in OAC Rules 3745-27-01(S)(25) and (O)(3), respectively, in violation of ORC Sections 3734.03 and 3734.05(A) and OAC Rule 3745-27-05(C). The Respondent has also created an unlicensed "construction and demolition debris facility" as that term is defined in OAC Rule 3745-400-01(G) in violation of ORC Section 3714.06(A) and OAC Rule 3745-400-04(B).

11. On October 3, 2003, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - f. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - g. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in a Notice of Violation ("NOV") letter from Ohio EPA to Respondent dated October 28, 2003.

12. On January 22, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - f. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - g. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated March 2, 2004.

13. On May 26, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated June 9, 2004.

14. On July 13, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated July 28, 2004.

15. On August 18, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated August 30, 2004.

16. On September 20, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated October 1, 2004.

17. On October 20, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated November 5, 2004.

18. On November 20, 2004, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated December 1, 2004.

19. On January 14, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.

- f. ORC Section 3734.81 for operating a scrap tire facility without a license.
- g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
- h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated January 31, 2005.

20. On February 18, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated March 8, 2005.

21. On April 29, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated May 23, 2005.

22. On June 8, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.

- d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
- e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
- f. ORC Section 3734.81 for operating a scrap tire facility without a license.
- g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
- h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated July 19, 2005.

23. On September 11, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated September 27, 2005.

24. On November 7, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated November 18, 2005.

25. On December 21, 2005, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated January 4, 2006.

26. On January 11, 2006, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated February 7, 2006.

27. On February 14, 2006, Ohio EPA conducted an inspection of the Property and observed the following violations:
- a. OAC Rule 3745-27-05(C) for open dumping of solid waste.
 - b. ORC Section 3734.03 for open dumping of solid waste.
 - c. OAC Rule 3745-27-60(B)(8)(b) for failure to provide mosquito control records.
 - d. OAC Rule 3745-27-61(A)(1) for establishing a scrap tire facility without obtaining a registration.
 - e. ORC Section 3734.76(C) for failure to submit a scrap tire storage facility registration or permit application.
 - f. ORC Section 3734.81 for operating a scrap tire facility without a license.
 - g. OAC Rule 3745-400-04(B) illegal disposal of construction and demolition debris.
 - h. ORC Section 3714.13(B) for illegal disposal of construction and demolition debris.

This inspection was documented in an NOV letter from Ohio EPA to Respondent dated March 10, 2006.

28. Given the proximity of Respondent's scrap tire pile to the Village of Hicksville, public water supplies, sensitive sub-populations of schools, a hospital and a nursing home, the potential that a tire fire could obscure major highways such as State Routes 2, 18, and 49, and in consideration of the adverse impact that a tire fire could have on waters of the state, the Director has determined that the accumulation of scrap tires on the Property constitutes a danger to the public health or safety or to the environment.
29. ORC Section 3734.85 provides that "[i]f the director determines that an accumulation of scrap tires constitutes a danger to the public health or safety or to the environment, he shall issue an order under section 3734.13 of the Revised Code to the person responsible for the accumulation of scrap tires directing that person, within one hundred twenty days after the issuance of the order, to remove the accumulation of scrap tires from the premises on which it is located and transport the tires to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state."
30. On August 10, 2006, Ohio EPA issued Director's Final Finding and Orders to Respondent which contained certain drafting errors relating to the time frames for the performance of work. The parties desire to enter into these Orders to correct those time frame errors.

V. ORDERS

The Director's Final Findings and Orders which were issued to Respondent on August 10, 2006, are hereby **SUPERSEDED** by these Orders. The Respondent shall achieve compliance with ORC Chapter 3734. and 3714. and the rules promulgated thereunder according to the following compliance schedule:

1. Upon the effective date of these Orders, Respondent shall implement mosquito control measures at the Property in accordance with the provisions of OAC Rule 3745-27-60(B)(8). Respondent shall provide copies of the mosquito control records required by OAC Rule 3745-27-60(B)(10), to Ohio EPA within ten (10) days after each application of the registered pesticide, larvicide, or adulticide.
2. Upon the effective date of these orders, Respondent shall immediately cease acceptance and disposal of all solid wastes, including scrap tires, at the Property and comply with ORC Chapter 3734. and OAC Chapter 3745-27.

3. Upon the effective date of these orders, the Respondent shall immediately cease acceptance and disposal of all C&DD at the Property and comply with the provisions of ORC Chapter 3714. and OAC Chapter 3745-400.
4. Not later than December 8, 2006, Respondent shall remove all solid waste, excluding scrap tires, from the Property and dispose of all solid waste, excluding scrap tires, at a licensed solid waste disposal facility. Respondent shall obtain disposal receipts from the licensed solid waste disposal facility indicating weight or volume of solid waste disposed of, excluding scrap tires.
5. Not later than December 8, 2006, Respondent shall remove all C&DD from the Property and dispose of all C&DD at a licensed C&DD facility or at a licensed solid waste disposal facility. Respondent shall obtain disposal receipts from the licensed solid waste disposal facility and/or the licensed C&DD facility indicating weight or volume of C&DD disposed.
6. If any solid waste, excluding scrap tires, and C&DD at the Property cannot be segregated, then all such unsegregated solid waste, excluding scrap tires, and C&DD must be disposed of at a licensed solid waste disposal facility no later than December 8, 2006. Respondent shall obtain disposal receipts from the licensed solid waste disposal facility indicating the weight or volume of the unsegregated solid waste, excluding scrap tires, and C&DD.
7. Not later than December 8, 2006, Respondent shall remove or cause the removal of all scrap tires from the Property including, but not limited to, scrap tires dumped onto the ground and/or buried scrap tires, and shall arrange for their transportation, by a registered transporter, to a scrap tire storage, monocell, monofill, or recovery facility licensed under ORC Section 3734.81, to such a facility in another state operating in compliance with the laws of the state in which it is located, or to any other solid waste disposal facility in another state that is operating in compliance with the laws of that state. Respondent shall remove, transport and dispose of at least 250 scrap tires every 30 days, with all of the scrap tires being removed, transported and disposed no later than December 8, 2006. Respondent shall obtain receipts from the registered transporter and the disposal facility, indicating weight, volume and number of scrap tires received. Respondent shall forward mail such documentation to Ohio EPA Northwest District Office on a monthly basis by the seventh day of each month.
8. Respondent shall obtain receipts from the registered transporter and the facility, indicating weight, volume and number of scrap tires received. Respondent shall forward such documentation to Ohio EPA within seven (7) days after completion of Order No. 7 above.
9. Respondent shall submit monthly progress reports until all scrap tires are removed from the Property. Respondent's monthly progress reports, due to Ohio EPA by the 10th day of each month, shall summarize Respondent's efforts to comply with the requirements of these Orders. The first progress report shall be delivered to Ohio

EPA no later than the 10th day of the month immediately following the month that these Orders become effective.

10. Pursuant to ORC Section 3734.85(A), if Respondent has not removed all scrap tires from the Property in accordance with Order Nos. 7 and 8 above, Respondent shall provide the Director and his employees, representatives and contractors with access to the Property to perform whatever measures the Director considers reasonable and necessary to remove and properly manage the scrap tires located on the Property.
11. If the Director removes the scrap tires from the Property, Respondents shall reimburse the Director within thirty (30) days of written request for the costs incurred by the Director for:
 - a. conducting the removal operation;
 - b. storing the scrap tires at a scrap tire storage facility;
 - c. storing or disposing of the scrap tires at a scrap tire monocell or monofill facility;
 - d. processing scrap tires so removed;
 - e. transporting of the scrap tires from the Property to the scrap tire storage, monocell, monofill, or recovery facility where the scrap tires were stored, disposed of, or processed.

In addition, Respondent shall reimburse the Director for the administrative and legal expenses incurred by the Director in connection with the removal operation.

12. Not later than December 8, 2006, Respondent shall pay Ohio EPA the amount of \$250.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the environmental remediation fund established pursuant to ORC Section 3734.281. Payment shall be made by official check made payable to "Treasurer, State of Ohio" for the stated amount. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying the Respondent and the Property. A copy of the check shall be sent to Ohio EPA, Division of Solid and Infectious Waste Management, Supervisor, Systems Management Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Solid and Infectious Waste Management Enforcement Coordinator acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, Respondent's Property.

VIII. OTHER APPLICABLE LAWS

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

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

Upon the written request of the recipient of an order issued under ORC Section 3734.85(A), the Director may extend the time for compliance with the order if the request demonstrates that Respondent has acted in good faith to comply with the order.

X. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Northwest District Office
Division of Solid and Infectious Waste Management
Attn: Unit Supervisor, DSIWM
347 North Dunbridge Road
Bowling Green, Ohio 43402-9398

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

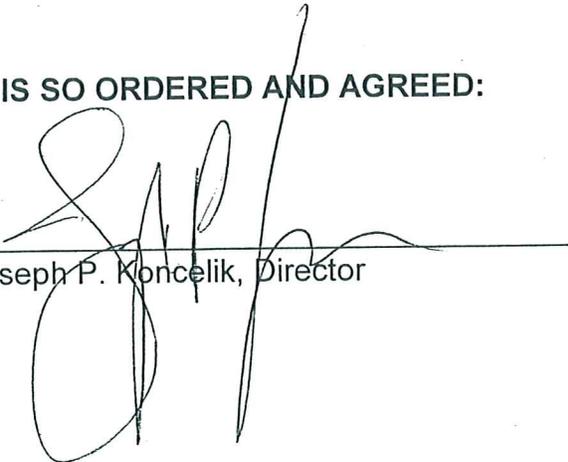
XIII. EFFECTIVE DATE

The effective date of the Orders is the date these Orders are entered into the Ohio EPA Director's Journal.

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:



Joseph P. Koncelik, Director

IT IS SO AGREED:

Glen Cook



Signature

11-08-06
Date

Glen A. Cook
Printed or Typed Name