

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?

PURPOSE

This educational guideline is applicable to the general public, tire dealers, and scrap tire businesses and addresses an individual's responsibility when handling scrap tires in Ohio and is intended to guide readers through some of the major requirements of the scrap tire rules. However, it is only a guide and the appropriate sections of the Ohio Administrative Code should be read in their entirety.

APPLICABLE RULES/STATUTES

Ohio Revised Code 3734
Ohio Administrative Code 3745-27-54 through 3745-27-79

ARE SCRAP TIRES REALLY A PROBLEM?

Each year, more than 12 million scrap tires are generated in Ohio. While many of these tires are recycled or properly disposed, some end up in stockpiles or in illegal dumps around the state. Currently, it is estimated that more than 43 million tires have been removed from stockpiles or illegal dumps in Ohio since 1996. An estimated 5 million scrap tires remain in illegal dumps in Ohio. These open dumps create many hazards to public health and the environment, two of which are of particular concern. First, tire dumps can spawn dangerous fires that produce toxic smoke and oils. Second, tire piles are prime breeding grounds for mosquitoes that can carry dangerous diseases such as West Nile Virus and encephalitis. To address growing concerns over illegal dumping of scrap tires and large tire stockpiles, the Ohio legislature passed a bill in 1993 to regulate scrap tires. In response to this law, Ohio EPA created rules designed to track scrap tires from the time they are generated until they are properly recycled, reused, or disposed.

ARE USED TIRES ALSO SCRAP TIRES?

Yes. A used tire is a scrap tire because the original owner has discarded it and no longer wants the tire. A used tire is a scrap tire whether it is mounted on a rim or not. A used tire remains a scrap tire until it is installed on a vehicle. Retreadable casings are also scrap tires until a retreading business has accepted and inspected the tire and marked it as suitable for retreading.

WHO IS A SCRAP TIRE GENERATOR?

A scrap tire generator is any individual or business that removes tires from vehicles or stores tires removed from vehicles. Types of generators include: individual citizens; retail tire dealers; service stations; tire retreading businesses; and motor vehicle salvage dealers (MVSD). Also included as scrap tire generators are property owners who possess scrap tires that have been stored or open dumped on their property.

IF I AM A GENERATOR OF SCRAP TIRES, HOW DO OHIO'S SCRAP TIRE RULES APPLY TO ME?

If certain conditions are met, generators typically do not have to register as a "scrap tire facility" under the scrap tire rules. This means that most generators do not have to obtain an annual license or a scrap tire registration from Ohio EPA. To maintain this unlicensed status, the generator must store and handle tires in compliance with the general storage rule, allow only transporters who are registered by Ohio EPA to take tires away, and dispose of tires only at locations approved by Ohio EPA. The table at the end of this document illustrates the requirements that each type of generator must meet in order to remain unlicensed.

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HOW DO THE OHIO AND LOCAL FIRE CODES APPLY TO THE STORAGE OF SCRAP TIRES?

The location of a single container holding scrap tires is not specified in the scrap tire rules and should be coordinated with the local fire official. The general fire code, Ohio Administrative Code 1301:7-7-03, **General precautions against fire**, applies to the storage of combustible material such as scrap tires. The location of a single scrap tire pile, multiple scrap tire piles, multiple containers, or any combination is subject to 3745-27-60 of the Ohio Administrative Code.

AS A GENERATOR OF SCRAP TIRES, CAN I STORE THE TIRES ANY WAY I WANT?

No. As indicated on the table on the last page, all generators of scrap tires must store and handle tires in compliance with the general storage and handling rules found in section 3745-27-60 of the Ohio Administrative Code. Although the rule should be read completely by all generators of scrap tires, the rule includes the following main points:

- * Keep the scrap tires dry. If tires are stored outside, they must either be covered or must have mosquito controls applied to prevent mosquitoes from living and breeding in the pile. Tire piles must be separated by appropriate fire lanes and fire lanes must be kept clear of litter, debris and vegetative matter. Lastly, all tires must be kept at least 50 feet from possible ignition sources.
- * Tires must be stored in piles not larger than 2,500 square feet in basal area and in quantities not greater than in the amounts listed in the table on the last page.
- * If dry tires are stored inside a building or in an enclosed container, no additional mosquito controls are necessary. However, aisles of at least eight feet must be maintained between piles, tires

must not be stored within three feet of the ceiling or within three feet of heating ducts and vents, and tires must be kept a minimum of 50 feet from all possible sources of ignition.

AM I ALLOWED TO HAUL SCRAP TIRES TO A RECYCLING (RECOVERY) OR DISPOSAL FACILITY?

As indicated by the table on the last page, you may only haul scrap tires to a recovery or disposal facility if you transport them in loads of 10 or fewer tires. Loads larger than 10 tires must be transported by a transporter who has obtained a valid registration certificate from Ohio EPA. This specifically includes used tires and retreadable casings transported to another tire dealer or tire retreader.

AS A GENERATOR OF SCRAP TIRES, WHAT KIND OF RECORDS DO I NEED TO KEEP?

Generators of scrap tires are required to assist registered transporters by filling out scrap tire shipping papers that will certify the following: 1) the number of tires being shipped; and, 2) that the tires were either dry at the time of pick up, that the tires had been removed from the rim within the past seven days, or that appropriate mosquito controls had been applied to the pile if the tires had been stored outside. This certification will protect the generator by providing proof that the tires were hauled by a registered transporter. Likewise, it will protect the transporter by providing written certification that the tires were handled in a manner that will prevent mosquitoes from being transported from one part of the state to another. The generator should keep copies of shipping paper on file for at least three years.

The file of shipping papers can be used to show compliance with Ohio law. Section 3734.83(C) of the Ohio Revised Code requires that "... no person who possesses scrap tires shall cause them to be transported by any person who is not registered as a transporter..." The penalties for violating this or any section of the Ohio

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Revised Code relative to the handling and storage of scrap tires are listed in section 3734.99 of the Ohio Revised Code (a felony with a fine of at least \$10,000 but not more than \$25,000, or imprisonment for at least two years, but not more than four years, or both.)

IF A GENERATOR WANTS TO BE A SCRAP TIRE TRANSPORTER, AND DOES NOT MEET ONE OF THE EXEMPTIONS, WHAT IS REQUIRED AND HOW MUCH WILL IT COST?

If a generator wants to be a scrap tire transporter or does not meet one of the scrap tire transporter exemptions, they will be required to submit an application for an annual registration certificate to Ohio EPA's Central Office, and to obtain financial assurance in the amount of \$20,000. Applications can be downloaded from Ohio EPA's Web site at: <http://www.epa.state.oh.us/dsiwm>. There is a \$300 registration fee. See Fact Sheet GD# 640, Standards and Requirements for Scrap Tire Transporters, for additional information.

HOW DO I VERIFY THAT A TRANSPORTER IS REGISTERED WITH OHIO EPA?

Each transporter must carry a current, original registration certificate issued by Ohio EPA. The certificate is printed on copy-proof, colored paper with the Seal of the State of Ohio imprinted on it. Copies of the Ohio certificates are not valid. Scrap tire certificates issued by other states are not valid in Ohio. The list of scrap tire transporters on Ohio EPA's web site, www.epa.oh.state.us, can be checked to verify that the scrap tire transporter is currently registered as an Ohio scrap tire transporter. A registration by any other state is not an acceptable substitute for an Ohio registration.

Failure to use an Ohio registered scrap tire transporter can result in civil or criminal penalties to both the generator and the transporter of \$10,000.00 to \$25,000.00 or imprisonment for 2 to 4 years per Ohio Revised Code Section 3734.99.

Ten or fewer scrap tires may be transported by a non-registered transporter. By using a non-registered scrap tire transporter for loads of more than ten tires, the generator may be participating in open dumping since the illegal hauler may open dump all except the few scrap tires that can be sold as used tires or retreadable casings. By using a non-registered scrap tire transporter, the generator remains liable for any costs associated with the illegal dumping of the tires. The above applies even if the transporter takes the tires for free.

POINT OF CONTACT

Northeast District Office DSIWM Supervisor at
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Northwest District Office DSIWM Supervisor at
Bowling Green: 419-352-8461

Central District Office DSIWM Supervisor at
Columbus: 614-728-3778

Southeast District Office DSIWM Supervisor at
Logan: 740-385-8501

Southwest District Office DSIWM Supervisor at
Dayton: 937-285-6357

Central Office-Scrap Tire Unit at Columbus:
614-644-2621

DISCLAIMER

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	All Generators of Scrap Tires	Retail Tire Dealers and Service Stations	Tire Retreaders	Motor Vehicle Salvage Dealers *
Must comply with general storage and handling rules?	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>
Must use only Ohio EPA registered transporters?	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)
What is the maximum number of tires that can be stored on the property to remain an unlicensed scrap tire facility?	100	1,000, if scrap tires are stored in an unsecured, uncovered, outdoor location <i>Any number</i> , if all scrap tires are stored in a secured building or enclosed container.	4,000, if scrap tires are stored in a single, covered scrap tire storage area.	Scrap tires may be stored in a single pile of not greater than 2,500 square feet in basal area and a maximum of 8 feet high.
Must maintain a file of scrap tire shipping papers?	Yes	Yes	Yes	Yes

* Note that a junk yard is not the same as a motor vehicle salvage dealer. A junk yard is not allowed to store more than 100 scrap tires without becoming a licensed scrap tire facility.