

scrap tires as defined in section 3734.01 of the Revised Code (only M.C.C. reference)

State of Ohio has declared it has determined it necessary to establish solid waste management which conforms across all jurisdictions. Enables to have District Waste Plans

34.70 Scrap tire collection facilities rules.

(A) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend or rescind rules having uniform application throughout the state governing scrap tire collection facilities and the inspection of and issuance of registration certificates and licenses for those facilities in order to ensure that the facilities are located, maintained, operated, and closed in a manner that does not create a nuisance, hazard to public health or safety, or fire hazard.

(B) The rules adopted under this section shall prohibit the owner or operator of a scrap tire collection facility from arranging the transportation or delivery to, or receipt of scrap tires by, any facilities or premises other than any of the following:

- (1) A scrap tire recovery facility licensed under section 3734.81 of the Revised Code;
- (2) A scrap tire monocell or monofill facility licensed under section 3734.81 of the Revised Code;
- (3) A scrap tire storage facility licensed under section 3734.81 of the Revised Code;
- (4) A solid waste incineration or energy recovery facility subject to regulation under this chapter;
- (5) A facility located in this state that will beneficially use the scrap tires collected at the facility;
- (6) A scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility that is authorized to dispose of scrap tires, or a facility that will beneficially use the scrap tires, that is located in another state and is operating in compliance with the laws of that state.

(C) The rules adopted under this section and sections 3734.71, 3734.72, and 3734.73 of the Revised Code shall not concern or relate to personnel policies, salaries, wages, fringe benefits, or other conditions of employment of employees of persons owning or operating scrap tire collection, storage, monocell, monofill, or recovery facilities, respectively.

Effective Date: 10-29-1993.

734.042 Complaint of presence of vectors at scrap tire collection, storage, monocell, monofill, or recovery facility.

Upon receiving a written complaint of the presence of vectors at a scrap tire collection, storage, monocell, monofill, or recovery facility, the board of health of the health district having

jurisdiction promptly shall conduct an inspection of the facility named in the complaint. If the board of health finds from the inspection that vectors are present at the facility in such numbers that the chemical treatment of the scrap tires present at the facility is necessary to protect the public health, and if the board has exhausted all means to compel the person holding a license for the facility under section 3734.81 of the Revised Code to abate the problem, the board may apply to the director of environmental protection for a grant from the scrap tire management fund created in section 3734.82 of the Revised Code to pay the board's costs of providing such treatment. The application shall be accompanied by a plan that indicates the nature of the chemical treatment that the board intends to use and the locations at the facility where the chemical treatment is to be applied and by a summary of all efforts made by the board to compel the person holding a license for the facility to abate the problem. If the director finds from the application and plan that the proposed treatment of the scrap tires stored at the facility is necessary to protect the public health and that the board will apply such treatment only to the tires stored in an outdoor location at the facility and to no other locations on the premises of the facility, the director may make a grant to the board from the fund to pay the costs to be incurred by the board for providing the proposed chemical treatment. The director shall adopt rules in accordance with Chapter 119. of the Revised Code governing the awarding of such grants. Prior to submitting an application for a grant, the board of health may take formal action to suspend or revoke the facility's license under section 3734.09 of the Revised Code. Effective Date: 10-29-1993.

3734.74 Scrap tire transportation rules.

The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt and may amend or rescind rules governing the transportation of scrap tires and the registration of persons engaged in the transportation of scrap tires. The rules shall do all of the following:

(A) Require that, before being issued a registration certificate under section 3734.83 of the Revised Code, a transporter submit a surety bond, a letter of credit, or other financial assurance acceptable to the director, as specified by the director in the rules, in an amount of not less than twenty thousand dollars as the director considers necessary to cover the costs of cleanup of tires improperly accumulated or discarded by the transporter and to cover liability for sudden accidental occurrences that result in damage or injury to persons or property or to the environment;

(B) Establish a system of shipping papers to accompany shipments of scrap tires. The shipping paper for each shipment shall include at least all of the following information:

(1) The name and address of each transporter who transported the shipment of scrap tires;

(2) The number of the registration certificate issued under section 3734.83 of the Revised Code for each transporter who transported the shipment of scrap tires, the signature of the individual transporting the scrap tires for each transporter, and the date or dates on which they were transported;

(3) The quantity in weight or volume of the scrap tires being transported;

(4) The address of the scrap tire collection, storage, monocell, monofill, or recovery facility, or other premises, where the scrap tires were deposited, or of any other registered transporter with whom the scrap tires were deposited, and the signature of the individual accepting receipt of the scrap tires for the facility or other transporter.

The rules adopted under division (B) of this section shall require that the shipping papers be prepared on a form prescribed by the director and that all shipping papers be retained by a registered transporter for not less than three years.

(C) Require that each registered transporter submit a report to the director not later than the thirty-first day of January of each year concerning all shipments of scrap tires transported by the transporter during the preceding calendar year. The report shall include at least the following information:

(1) The total quantity in weight or volume of scrap tires transported by the registered transporter;

(2) The total quantity in weight or volume of scrap tires transported to each collection, storage, monocell, monofill, or recovery facility, or other premises, or deposited with another registered transporter.

Effective Date: 02-29-1996.

3734.80 Municipal corporation, county, or township regulations.

(A) Except as provided in division (B) of this section, no political subdivision shall require any additional approval, consent, permit, certificate, or condition for the construction, modification, or operation of a scrap tire monocell or monofill facility authorized by a permit issued under section 3734.77 of the Revised Code or a scrap tire recovery facility registered or authorized by a permit issued under section 3734.78 of the Revised Code.

(B)

(1) Division (A) of this section does not prohibit a municipal corporation, county, or township from enforcing a zoning ordinance or resolution, or any amendment thereto, adopted pursuant to the charter of the municipal corporation or county or Chapter 303. or 519., or sections 713.06 to 713.15, of the Revised Code, whichever is applicable, that became effective prior to two years before the submission of an application for a permit to establish or modify a scrap tire monocell or monofill facility under division (C) of section 3734.77 of the Revised Code or an application for a registration certificate or a permit to establish or modify a scrap tire recovery facility under division (C) of section 3734.78 of the Revised Code and that applies to the construction or modification, and operation, of a scrap tire monocell, monofill, or recovery facility.

(2) Division (A) of this section does not prohibit a municipal corporation, county, or township from requiring a zoning certificate for a scrap tire monocell, monofill, or recovery facility that is subject to a zoning ordinance or resolution, or amendment thereto, of a municipal corporation, county, or township described in division (B)(1) of this section.

Effective Date: 10-29-1993.

34.822 Scrap tire grant fund.

(A) There is hereby created in the state treasury the scrap tire grant fund, consisting of moneys transferred to the fund under section 3734.82 of the Revised Code. The director of environmental protection may make grants from the fund for the following purposes:

(1) Supporting market development activities for scrap tires and synthetic rubber from tire manufacturing processes and tire recycling processes;

(2) Supporting scrap tire amnesty and cleanup events sponsored by solid waste management districts.

Grants awarded under division (A)(1) of this section may be awarded to individuals, businesses, and entities certified under division (F)(6) of section 3734.49 of the Revised Code.

(B) Projects and activities that are eligible for grants under division (A)(1) of this section shall be evaluated for funding using, at a minimum, the following criteria:

(1) The degree to which a proposed project contributes to the increased use of scrap tires generated in this state;

(2) The degree of local financial support for a proposed project;

(3) The technical merit and quality of a proposed project.

Amended by 131st General Assembly File No. TBD, HB 64, §101.01, eff. 9/29/2015.

Renumbered from § 1502.12 and amended by 129th General Assembly File No.127, HB 487, §101.01, eff. 9/10/2012.

Amended by 128th General Assembly File No.9, HB 1, §101.01, eff. 10/16/2009.

Effective Date: 06-06-2001; 12-30-2004; 06-27-2005; 04-06-2007.



Law Enforcement Guide to Scrap Tires

Purpose

The purpose of this guide is to provide information to law enforcement personnel regarding major requirements of Ohio's scrap tire rules and laws. However, it is only a guide and the appropriate sections of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) should be read in their entirety and Ohio EPA staff consulted whenever a question arises.

Scrap tires are improperly handled every day in Ohio for a variety of economic benefits, past practices and out of ignorance of Ohio's laws and regulations. Private citizens open dump tires to avoid paying for disposal; tire stores contract with illegal haulers to remove their scrap tires; and employees of legitimate tire-hauling services may attempt to make extra income by picking up loads of scrap tires, dumping the scrap tires and profiting from the disposal fees.

Ohio EPA's enforcement efforts are aimed at reducing the illegal handling and disposal of scrap tires, including illegal open dumping and open burning of scrap tires.

Illegally open dumping scrap tires creates a nuisance that obstructs the natural beauty of Ohio's landscape and can accumulate water and create a breeding ground for mosquitoes that transmit a variety of diseases to people and animals. Illegally open burning scrap tires can create immediate health hazards to persons with breathing problems.

Applicable Rules and Statutes

- Ohio Revised Code Chapter 3734
- Ohio Administrative Code 3745-27-57

Are scrap tires considered a solid waste?

Yes. The definition of a solid waste found in ORC 3734.01 specifically includes scrap tires. A scrap tire is defined in ORC 3734.01 as an unwanted or discarded tire.

What should I do if I observe a vehicle with a load of scrap tires?

If you encounter a person transporting scrap tires, the presence of a load of scrap tires is reasonable suspicion for initiating a traffic stop for the purpose of verifying compliance with ORC 3734.83. The investigating officer must weigh the circumstances to determine whether sufficient objective facts exist to create reasonable suspicion that the driver is illegally transporting scrap tires. Objective facts may include, but are not limited to, transporting more than 10 tires in a vehicle failing to display a company placard/insignia, transporting tires during atypical business hours (late at night, early in the morning) or travelling outside of traditional transportation routes (residential alleys, country roadways).

On the last page of this guidance document is an interview record that can be used to gather information relevant to the investigation, administrative or civil enforcement, and criminal prosecution of violations of the scrap tire transportation law. Once completed, the form should be faxed to the appropriate Ohio EPA District Office for follow up.

Who must use scrap tire shipping papers?

Ohio's scrap tire program includes a system for monitoring the flow of scrap tires within, into and out of the state. Ohio EPA requires scrap tire shipping papers designed to account for scrap tires from their original point of generation to their ultimate destination, such as approved storage, recovery or disposal facilities or approved beneficial use sites. The shipping paper rules can be found in OAC Rule 3745-27-57. Please see the Ohio EPA guidance document (GD), "Scrap Tire Shipping Papers," GD #639, at epa.ohio.gov/portals/34/document/guidance/gd_639.pdf for more information.

Enforcement at a Glance

- A load of more than 10 scrap tires may require investigation.
- Most haulers should have a transporter registration certificate from Ohio EPA.
- A registration certificate that is imprinted with "VOID" is a red flag.
- A legitimate hauler should have scrap tire shipping papers.
- Burning scrap tires is illegal.
- Open dumping of scrap tires is illegal.

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Shipping papers are to be used by all of the following:

- all registered scrap tire transporters;
- all licensed owners or operators of scrap tire facilities;
- transporters who are not required to be registered; and
- all generators (tire retailers) of scrap tires.

Who is required to register with Ohio EPA?

ORC Section 3734.83(A) requires that “...no person shall transport scrap tires anywhere in this state unless the business or governmental entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection...”

Note: An original registration certificate will have a raised seal, the Director’s signature and be placed on copy-proof paper.

Section 3734.83(D) lists exceptions to the above cited prohibition to the transportation of scrap tires without a registration. Specifically, the following activities do not require registration as a scrap tire transporter:

- any person who transports 10 or fewer scrap tires in a single load;
- any person who transports scrap tires for his own use in agriculture or in producing or processing aggregates;
- if the transporter is a solid waste hauler who transports 10 or fewer tires which are incidental to the solid waste load;
- any person who is engaged primarily in the retail sale of tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers and who transports 25 or fewer whole scrap tires in a single load.

See *Standards and Requirements for Scrap Tire Transporters*, GD # 640, for a complete list of exemptions (epa.ohio.gov/portals/34/document/guidance/gd_640.pdf).

What should I do if I find someone dumping or burning scrap tires?

Report the site to the appropriate Ohio EPA district office. Contact information is provided at the end of this document.

ORC 3734.03 states, “No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...” Scrap tires are considered a solid waste in Ohio.

Open burning and open dumping are defined in the ORC 3734.01 as:

“Open burning” means the burning of solid wastes [scrap tires] in an open area or burning of solid wastes [scrap tires] in a type of chamber or vessel that is not approved or authorized . . .

“Open dumping” means the depositing of solid wastes [scrap tires] into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code.

What are the penalties for violating the scrap tire laws?

Depending on the circumstances, Ohio EPA may pursue administrative and civil enforcement for violations of the scrap tire laws and rules. In more egregious situations, criminal prosecution may be considered by Agency staff or local law enforcement officers and prosecutors. Law enforcement officers are encouraged to contact the Ohio EPA district office with regulatory responsibility for their county to determine the appropriate enforcement strategy for violations of the scrap tire laws.

The penalties for violating any section of the Ohio Revised Code relative to the handling and storage of scrap tires are listed in ORC section 3734.99. Transporting scrap tires without being registered, open burning and open dumping may be

Scrap Tire Transporter Certificate of Registration

Registrant: Liberty Tire Services of Ohio, LLC
304 Jackson Pike
Grove City, OH 43123

Core ID: 34402
Secondary ID: 87021887
County: Franklin

Registration Number: 25-STT-010
Date Expires: 04/30/2019
Note: Renewal applications must be submitted by January 31, 2019 - <https://ohio.epa.ohio.gov/>

Certificate Number: 1

This registration has been issued in accordance with the requirements of laws of the State of Ohio and is subject to revocation or suspension for cause and is not transferable without consent of the Director of the Ohio Environmental Protection Agency.

An original scrap tire transporter registration certificate shall be present in each vehicle transporting scrap tires, including used tires and retreadable casings. An original transporter registration is printed on security paper stock and is embossed with the seal of "Ohio EPA - DMV/M". Copies of the registration certificate will display the word "VOID" in the watermark and are not valid.

Entered into the Journal of the Director on: **04/30/2019**
Signature Date

Craig W. Butts, Director
Ohio Environmental Protection Agency

Temporary Storage and Sorting Locations:

From Site Name (County, ZIP, State, Route #)	City or Township (County, ZIP, State)	Address (City, State, ZIP)
Auto Parts (Franklin, OH, 43004, State St)	Franklin (Franklin, OH, 43004, State St)	1000 Franklin (Franklin, OH, 43004, State St)
Auto Parts (Franklin, OH, 43004, State St)	Franklin (Franklin, OH, 43004, State St)	1000 Franklin (Franklin, OH, 43004, State St)
Auto Parts (Franklin, OH, 43004, State St)	Franklin (Franklin, OH, 43004, State St)	1000 Franklin (Franklin, OH, 43004, State St)
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prosecuted as a felony offense in Ohio 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.

Contact

If you have questions regarding this document or would like more information, please contact the Scrap Tire Unit located in the Division of Materials and Waste Management at (614) 644-2621.

Central District Office (614) 728-3778

Southeast District Office (740) 385-8501

Northeast District Office (330) 963-1200

Southwest District Office (937) 285-6357

Northwest District Office (419) 352-8461

Disclaimer

The procedures set out in this document are intended solely for guidance. The procedures are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party against Ohio EPA. While this guidance document is not legally binding, all statutes and rules referenced herein are binding and enforceable. Ohio EPA reserves the right to vary this guidance or to change it at any time without public notice and also reserves the right to deviate from this guidance on a case-by-case basis.



Scrap Tire Interview Record

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Route to the Division of Materials and Waste Management supervisor

Driver Information

Full Name:					
Driver's License Number:				State:	
Home Address:					
City:		State:		Zip:	-

Vehicle Information

Year:		Make:		Model:		Color:	
Distinguishing marks, logos, etc.							
Registration (state/number):							

Scrap Tire Information

Is the driver a registered scrap tire transporter with Ohio EPA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was the registration form presented by the driver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was it an original registration certificate (embossed)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name on the scrap tire transporter registration form:		
Certificate number listed on the registration form:		
Expiration date of the registration:	/ /	
Did the transporter have shipping papers to accompany the load of scrap tires?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Approximate number of tires in the vehicle:		
Where did the scrap tires come from?		
Where are they being taken?		
How much is the driver being paid to transport the scrap tires?		
How was the driver paid (cash, check)?		
Has the driver hauled tires for this person/company before?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, how often/how many times?		
Where were the previous loads taken for disposal?		
Where can the disposal receipts be inspected?		

Law Enforcement Officer's Information

Officer Name:				Agency:			
Unit Number:			Cell Phone:	() -	Office Phone:	() -	
Photos taken of vehicle/dump site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Dash cam video?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Date of traffic stop/interview:	/ /	Location:					
Other charges filed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Nature:				
Date submitted to Ohio EPA district office:	/ /						