

GD # 651  
March 2002**Ohio's Scrap Tire Cleanup Program**

Abandoned scrap tires can pose a serious threat to the environment and public health because of the potential for fire, and because tires hold water that serves as an ideal breeding ground for disease-carrying mosquitoes. Property owners, local governments and state agencies have all experienced the economic nuisance of having to pay to collect and properly dispose of scrap tires that were illegally dumped along roadsides, streambeds, parks, and natural areas. For years, illegal tire dumpers have undermined the efforts of legitimate recyclers and transporters to properly process scrap tires.

Through the combined efforts of local and state governments and the private sector, scrap tire stockpiles in Ohio are being cleaned up.

**Ohio's Scrap Tire Law**

Ohio law gives Ohio EPA authority to regulate scrap tires until they are properly disposed, recycled into another product, or converted into energy. This comprehensive regulatory program governs the transportation, collection, storage, recycling, and disposal of scrap tires. A new shipping paper system and registration of transporters and facility operators makes it easier for tire dealers,

automotive repair shops, gas stations, salvage dealers and other businesses that generate scrap tires to know that they are dealing with legitimate scrap tire businesses rather than illegal dumpers. The law also provides funding for the state to clean up some abandoned scrap tire piles, and enhanced authority for Ohio EPA, local health departments, and law enforcement officials to have the responsible parties clean up the tires.

Large scrap tire piles are cleaned up in four different ways.

**(1) Locally-funded cleanups**

Recognizing that state funding will not be available to address all the existing scrap tire piles, some local solid waste management districts have been very proactive in funding cleanup of local dump sites that pose an immediate public health or fire concern. The Hamilton County and Stark-Tuscarawas-Wayne Joint Solid Waste Management Districts have contracted for the cleanup of well over one million tires at three locations. A number of other solid waste districts provide tire collection programs to their residents to deter dumping, and help to

fund and organize roadside and streambank cleanup events.

**(2) Enforcement efforts**

The first focus of the scrap tire regulatory program is to assist regulated entities in complying with the law and regulations. When these efforts fail, however, the law allows local health department and Ohio EPA inspectors to have the person responsible for the tire pile clean it up. They can work with local law enforcement officials, prosecutors and the Ohio Attorney General, seeking either civil or criminal penalties, as is appropriate to the circumstances of the case. Criminal convictions for tire dumping and failure to clean up tire piles have resulted in jail sentences in a number of cases. Some local solid waste management districts have also been able to provide funding for full-time law enforcement personnel dedicated to littering and open dumping cases, and hotlines for callers to report illegal dumping. These programs are important for responding to and deterring illegal tire dumping in those areas.

**(3) Credit projects**

Sometimes a person or

company must pay fines or penalties for environmental violations that cause pollution. It is possible for enforcement officials to allow the company to perform a credit project that provides some environmental benefit, in lieu of some portion of the penalty. One example of a credit project could be to pay for the cleanup of a scrap tire pile that poses a threat to the environment and public health, where no other resources are available for cleanup. The company who pays for the cleanup may have nothing to do with the tire pile. Through this mechanism, and with logistical assistance from the Southeastern Solid Waste Management District and the Guernsey County Health Department, it was possible to remove and properly manage more than 100,000 tires from a dump site in Guernsey County that was under court supervision. Enforcement officials with Ohio EPA and the Ohio Attorney General's Office look for similar opportunities to combine the concept of "the polluter pays" with projects that are clearly beneficial.

#### **(4) Ohio's Scrap Tire Management Fund**

Ohio's 1993 scrap tire law established funding to cover tire removal actions. This enabled the State to address the large tire piles constituting the most serious threats to public health and the environment. The law set a preference for Ohio EPA to send tires removed under the state-funded cleanup program to tire recovery facilities for recycling, rather than to scrap tire monofills or monocells for disposal. This program is funded by a state fee of one dollar per tire on the sale of

new tires. This fee generates approximately \$7 million per year. The fee provides \$1 million per year to be awarded as grants for the purpose of supporting market development activities for scrap tires. The grants are awarded by the Ohio Department of Natural Resources, Division of Recycling and Litter Prevention in amounts ranging from \$25,000 to \$350,000. Contact Chet Chaney at (614) 265-6407 for pre-application information and guidelines. The balance, approximately \$6 million, is used to fund inspections and enforcement of the regulations and cleanup of scrap tire dump sites. The fee sunsets in 2011.

#### **How the state-funded cleanup process works**

The law requires Ohio EPA to make diligent efforts to have the responsible party clean up the site before spending any State funds for cleanup. Under the procedure established in the law, Ohio EPA must first identify the responsible party, and issue orders to them to remove the tires. The party responsible for the tire accumulation has 120 days to undertake cleanup efforts. If no action is taken, Ohio EPA may use state funding to remove the tires, and must then pursue legal action to recover the cost of the cleanup. If the responsible party fails to pay the full cost of the cleanup, a lien may be placed against the property.

Ohio EPA uses a standard public bid process to contract with scrap tire recovery facilities and disposal facilities for removal and proper management of the scrap tires.

With roughly 40 million scrap tires already abandoned or stockpiled across Ohio, it is clear that state-financed cleanup programs must continue to be enhanced with a number of other funding and enforcement mechanisms such as those outlined above. Local resources will still be needed to clean up many of the smaller abandoned scrap tire piles in the state. Local officials attempting to address these problems can expect assistance from Ohio EPA and the State Attorney General's Office in enforcement efforts aimed at pursuing responsible parties.

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**For more information, please contact your local health department, your Ohio EPA District Office, or the Scrap Tire Unit.**

**Northeast Ohio:  
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