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## Standards and Requirements for Scrap Tire Transporters

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### PURPOSE

This educational guideline addresses owner and operator responsibilities when registering and operating a scrap tire transportation business which either picks up tires in Ohio or delivers tires to an Ohio destination 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  
Ohio Administrative Code 3745-27-55  
Ohio Administrative Code 3745-27-56

### WHO MUST REGISTER?

Chapter 37348.83 of the Ohio Revised Code states 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 Ohio EPA. However, several exceptions are also included in this rule. Registration as a scrap tire transporter is *not* required if any of the following apply:

1. If 10 or fewer scrap tires are transported per load;
2. If tires are transported only for use in the transporter's own agricultural use or in processing aggregates;
3. If the transporter is a solid waste hauler who transports 10 or fewer tires which are incidental to the solid waste load;
4. If the transporter is engaged primarily in the retail sale of tires for farm machinery, construction equipment,

commercial cars and tractors, buses or semi-trailers, and transports 25 or fewer scrap tires in a single load;

5. If the transporter is a political entity or agent thereof who conducts roadside or community cleanups or not-for-profit tire collection events;
6. If the transporter is a common carrier who returns tires to the original owner or manufacturer or ships scrap tires on a bill of lading on behalf of others;
7. If the transporter is a retail tire dealer or tire retreader who transports scrap tires to that business's own central collection point, or back to the manufacturer for warranty adjustment;
8. If *only* segregated loads of retreadable casings or bias ply tires are transported with a commercial bill of lading;
9. If the transporter is a barge, ship or rail company acting as a subcontractor or an agent for a registered scrap tire transporter;
10. If the transporter is transporting exclusively Tire Derived Fuel (TDF) or Tire Derived Chips (TDC) as defined in Ohio Administrative Code 3745-27-01;
11. If the scrap tires are being removed from a property under abatement orders from the Ohio EPA or local health department and specific authorization has been given to transport the scrap tires.

These are the **only** exceptions to registration as a scrap tire transporter. If a transporter does not meet one of these exceptions, then registration with Ohio EPA is required.

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## DO USED TIRES AND RETREADABLE CASINGS HAVE TO BE TRANSPORTED AS 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.

## HOW DO TRANSPORTERS REGISTER?

New scrap tire transporters wishing to establish a business must submit an application for registration to the central office of Ohio EPA at least 90 days prior to the date that tires are to be transported.

Initial registration applications for both existing and new transporters must be accompanied by a \$300 application fee. Subsequent registration applications must be submitted on an annual basis not later than January 31, and must be accompanied each year with a \$300 registration fee.

Motor vehicle salvage dealer (MVSD) applicants, tire retail dealer applicants, and tire retreader applicants can certify that they qualify for a waived or reduced annual fee.

In addition, the law requires scrap tire transporters to obtain an executed financial assurance document in the amount of \$20,000 prior to registration approval. Executed financial assurance documents should also be submitted with the registration application and fee.

Registration application forms can be obtained by calling the Solid Waste Compliance and Inspection Support Unit of Ohio EPA at (614) 644-2621 or can be downloaded from the internet at:

<http://www.epa.ohio.gov/dmwm.aspx>.

## HOW IS THE SCRAP TIRE TRANSPORTER REGISTRATION CERTIFICATE TO BE USED?

An original scrap tire transporter registration certificate shall be present in each vehicle transporting scrap tires, including used tires and retreadable casings, for the registered scrap tire transporter. An original registration certificate is printed on copy proof paper and has a raised, opposite embossed seal.

## WHERE CAN TRANSPORTERS DELIVER SCRAP TIRES?

Scrap tire transporters are authorized to deliver tires only to the following:

1. Licensed scrap tire collection, storage, monocell, monofill or recovery facilities;
2. Regulated solid waste incinerators or energy recovery facilities;
3. Premises where the scrap tires are authorized for beneficial use;
4. Another transporter holding a valid annual registration certificate;
5. A facility in another state in compliance with the rules of that state;
6. A premises operating as an unregistered scrap tire facility, such as a tire retail dealer or a tire retreader, which is operating in accordance with Ohio Administrative Code 3745-27-61.

If a transporter discovers that he has delivered tires to an unauthorized destination, *it is the transporter's responsibility* to remove the tires and transport them to an approved destination.

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## HANDLING REQUIREMENTS FOR SCRAP TIRE TRANSPORTERS

In general, scrap tire transporters are required to store and handle tires so as not to create a nuisance, a hazard to public health or safety, or a fire hazard. The following are specific restrictions which scrap tire transporters must abide by in order to preserve their classification as a transporter and to prevent being classified as a scrap tire facility.

### Storage Restrictions

Transporters may **only** store scrap tires in covered trailers or vehicles for no more than 30 days prior to transporting the scrap tires to an authorized destination. If tires remain at the business location of the transporter in covered trailers or vehicles for more than 30 days, then the transporter may have his registration revoked or be required to apply as a scrap tire collection or storage facility.

A scrap tire transporter may pre-position a trailer or roll-off box at a tire business for use by the business. This trailer or roll-off box may be picked up on an as need basis or on a regularly scheduled basis.

Trailers or vehicles, containing scrap tires, left at sites other than a tire business, including but not limited to; truck stops, vacant lots, motel parking lots, etc., may be considered open dumping of scrap tires if they are parked for over fourteen days.

### Tire Sorting

The transporter may transfer scrap tires between trailers or vehicles to consolidate loads or to sort scrap tires, provided that the scrap tires do not remain outside of a covered trailer or vehicle beyond the end of the final daily work shift. Sorting may only be done at authorized locations in accordance with the transporter's registration.

## Load Consolidation

Authorized registered scrap tire transporters may use portable equipment to cut or shred scrap tires for the purposes of load consolidation only. They cannot process scrap tires into a useable product unless they are also licensed as a scrap tire recovery facility.

## Mosquito Control

Scrap tire transporters must take appropriate actions to prevent the spread of mosquitoes. In general, transporters will be removing scrap tires from sites which can be classified as either "actively managed" or "inactive." If the tires have been stored indoors and are free of water, no further action is required other than keeping the tires dry during transport.

If scrap tires are being removed from actively managed sites, then transporters can only accept scrap tires for transport if:

1. The scrap tire generator certifies that the scrap tires have been kept dry or properly treated for mosquito control within the past month; or,
2. All water is removed from the scrap tires.

If scrap tires are being removed from inactive sites, then the transporter can only transport scrap tires if:

1. All water is removed from the scrap tires; or,
2. The scrap tires are shredded or cut; or,
3. The scrap tires are treated with a larvicide or insecticide approved by the Ohio Department of Agriculture.

## USE OF SCRAP TIRE SHIPPING PAPERS

Scrap tire transporters are required to utilize scrap tire shipping papers (Ohio Administrative Code 3745-27-57). The shipping papers are

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forms that are used as both a shipping and a receiving receipt and will be signed by both parties as confirmation of the scrap tire transaction. The shipping papers are required to be kept on file by all parties for not less than three years. These forms will not be submitted to Ohio EPA, but must be available if Ohio EPA or local health department inspectors request to review them.

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 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.)

## **ANNUAL REPORT**

The transporter must prepare an annual report to be submitted to Ohio EPA, the local health department, the appropriate Ohio EPA district office, and the local Solid Waste Management District (Ohio Administrative Code 3745-27-56). This annual report is intended to be a summary of the information collected on the shipping papers and should be submitted as part of the annual registration renewal application, which is due by January 31 of each year. The report should include the total quantity, in number, weight or volume, of scrap tires transported, the total quantity transported from each source and to each approved destination, and an estimate of the percentage of passenger car tires, truck tires, and other tires transported.

## **CLOSURE REQUIREMENTS**

Final closure is required for all registered scrap tire transporters who will no longer be transporting tires. Closure involves notifying all customers by mail, ensuring all accumulated scrap tires are delivered to authorized

destinations, and returning all transporter registration certificates to Ohio EPA. All closure requirements must be completed within 30 days.

Should the registered transporter fail to properly deliver all accumulated scrap tires, the \$20,000 of financial assurance may be used by the Director of Ohio EPA to complete closure.

## **POINT OF CONTACT**

Northeast District Office DMWM Supervisor at  
Twinsburg: 330-963-1200

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

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

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

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

Central Office-Solid Waste Compliance and  
Inspection Support Unit at Columbus: 614-  
644-2621

## **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.