
Class I and Class II Scrap Tire Storage Facilities

PURPOSE

This educational guideline addresses owner and operator responsibilities when registering and operating a scrap tire storage facility 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 3745-27-61
Ohio Administrative Code 3745-27-62
Ohio Administrative Code 3745-27-65
Ohio Administrative Code 3745-27-66

WHAT ARE THE DIFFERENT TYPES OF SCRAP TIRE STORAGE FACILITIES?

Scrap tire storage facilities are defined in Ohio Administrative Code Rule 3745-27-01 as any facility where **whole** scrap tires are stored prior to being transported to an approved destination. A scrap tire collection facility is a smaller facility that is limited to 5,000 cubic feet (185 cubic yards) of storage in portable containers; see guidance document #640.

All scrap tire storage facilities are designated as either Class I or Class II, depending on the size of the facility. The smaller of the two classes, Class II scrap tire storage facilities, must obtain a registration certificate and an annual solid waste facility license before accepting scrap tires. Class II scrap tire storage facilities are limited to a maximum of 10,000 square feet of effective scrap tire storage area (equal to about 50,000 passenger tires).

Class I scrap tire storage facilities are the larger of the two classes and must obtain a permit and an annual solid waste license before initiating

operations. Class I scrap tire storage facilities have a scrap tire storage area greater than 10,000 square feet and up to three acres of effective whole scrap tire storage (exclusive of the area used for fire breaks). Effective storage area is the total facility area minus the area used for fire breaks and any other area not used for storing scrap tires. The greatest difference between a Class I and Class II scrap tire storage facility, other than the size of the facility, is that a Class I scrap tire storage facility permit can be issued only to owners or operators which are also the owners or operators of a licensed scrap tire recovery facility; monofill, or monocell located in Ohio; or an equivalent solid waste facility located in another state. Class I scrap tire storage facility applicants must also submit a disclosure statement to the Ohio Attorney General's Office (at the same time the permit is submitted to Ohio EPA) to initiate a background check on key company employees.

ARE NEW AND USED TIRE DEALERS REQUIRED TO REGISTER AS SCRAP TIRE STORAGE FACILITIES?

Yes, if the business exceeds the storage limits established in Ohio Revised Code 3734.76. If the business location meets the storage limits, the business can operate as an unregistered and unlicensed scrap tire facility.

HOW MUST TIRES BE STORED TO COMPLY WITH THE RULES?

The specific operational requirements for all scrap tire storage facilities are explained in Ohio Administrative Code Rule 3745-27-65. In general, however, all scrap tires must be stored in piles that do not exceed 2,500 square feet in basal area. Fire lanes or separation distances are required to be maintained between all individual scrap tire piles and other structures at all times. If tires are stored outside of buildings

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and enclosed containers, they must either be covered with a waterproof tarp or treated regularly with an approved larvicide or adulticide (insecticide) to control mosquitoes.

The effective scrap tire storage area includes the total area of all storage piles measured at the base of each pile and does not include the area used for empty fire lanes. About one acre is needed to properly store the maximum number of scrap tire piles allowed at a registered Class II scrap tire storage facility. This acre allows for proper separation of the storage piles with fire breaks on all sides of the piles. In order to store and properly separate the maximum number of scrap tire storage piles allowed at a permitted Class I scrap tire storage facility, approximately 18 acres of land area is needed.

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

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. In addition, Ohio Administrative Code Rule 1301:7-7-25, **Tire rebuilding and tire storage**, applies to registered and unregistered scrap tire facilities.

HOW MUCH FINANCIAL ASSURANCE IS REQUIRED?

Financial assurance is provided to Ohio EPA when submitting a scrap tire storage facility application, and is required to guarantee that funds will be available to properly close (remove scrap tires from) the facility if the owner or operator abandons the site and scrap tires remain at the facility. The amount of funds required for each scrap tire storage facility is determined by the maximum number of scrap tires (measured in Passenger Tire Equivalents or PTEs) to be stored at the facility at any time while the facility is open. Financial assurance is required at scrap tire facilities at the rate of \$1

per PTE (1 PTE = 20 lbs. of rubber). See also guidance document #644 - Financial Assurance for Scrap Tire Facilities and transporters.

WHERE ARE SCRAP TIRE STORAGE FACILITY APPLICATIONS SUBMITTED AND WHAT FEES ARE REQUIRED?

Class II scrap tire storage facilities pay a one-time registration fee of \$300 (which includes the non-refundable application fee of \$15). Class I scrap tire storage facilities pay a one-time permit fee of \$1,000 (which includes the non-refundable application fee of \$400). All storage facility registration (and permit) applications, with the appropriate application fee, are submitted to the appropriate Ohio EPA district office where the facility is to be located. Once a registration (or permit) is issued, each applicant is billed for the remaining balance.

Scrap tire storage facilities must also apply for and obtain a solid waste license from the approved local health department. The annual solid waste license fees range between \$230 and \$3,000, depending on the effective area of scrap tires to be stored at each facility and is calculated at a rate of \$1,000 per acre of effective scrap tire storage area. Whatever the full license fee amount will be, applicants pay a \$100 non-refundable license application fee for both Class I and Class II scrap tire storage facilities. Once the license application is completed and the license issued, each applicant is billed for the remaining balance due. **Each year** an application for a new annual license must be submitted by September 30.

Registration, permit, and license applications can be downloaded from Ohio EPA's Web site at: <http://www.epa.state.oh.us/dsiwm>.

All Class I scrap tire storage facility applicants also must submit disclosure statements annually for a background check of key company employees to the Ohio Attorney General's Office. The submittal of disclosure statements also requires a fee in accordance with Ohio Revised Code Section 109:6-104.

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ARE OTHER AUTHORIZATIONS REQUIRED FOR SCRAP TIRE STORAGE FACILITIES?

All new scrap tire storage facility registration (or permit) applicants are required to contact the Ohio EPA Division of Air Pollution Control and the Division of Surface Water to request a determination of whether additional permits are needed.

Depending on the specific location of each proposed scrap tire storage facility, local zoning and/or building codes also may apply. Contact local authorities to determine if other limitations apply or if other local permits are required.

DO SCRAP TIRE STORAGE FACILITIES HAVE TO KEEP RECORDS?

Yes. Scrap tire storage facility owners or operators must complete shipping papers each time scrap tires are delivered to or removed from the facility. Copies of all shipping papers must be retained on file at the facility for at least three years. An annual report summarizing all shipping papers is also required to be submitted by January 31st **each year**.

If any scrap tires are stored outdoors and uncovered, the facility also must maintain an effective mosquito control program and a file including all records of insecticide applications.

WHAT IS CLOSURE?

Closure occurs when a licensed facility ceases operations. The owners and operators must comply with the requirements of Ohio Administrative Code Rule 3745-27-66 and obtain the written concurrence of the licensing authority before closure is complete. Once closure is complete, the owner or operator can request that the Director of Ohio EPA release the facility's financial assurance. Closure must also occur before the site can be used for any other purpose.

POINT OF CONTACT

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

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

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 rights 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.