



Instructions for Scrap Tire Removal and Cleanup for Citizens and Businesses

Division of Materials and Waste Management

During the 1993 creation of the Ohio Scrap Tire Laws, the Ohio General Assembly included ORC 3734.85(E) in the statute that allows for state-funded cleanups without subsequent cost recovery of small tire piles (fewer than 2,000 tires) provided that six specific conditions are met (below). In 2012, the Ohio General Assembly increased the maximum number of eligible tires under this statute from 2,000 to 5,000 tires per site.

Scrap Tire Consent and Program Eligibility

The Scrap Tire Consent Form is to be used for scrap tire sites having **no less than 100 tires and no more than 5,000 tires**. The scrap tires may be any size and may be un-mounted or on rims. Tires collected during tire amnesty collection events **are not** eligible for pick-up and disposal under this program. To be eligible for clean-up under ORC 3734.85(E), property owners must meet six conditions:

- 1) Tires placed after owner acquired title, OR tires placed before owner acquired title by bequeath or devise (a gift by a will);
- 2) Property owner did not have knowledge of, or took actions to prevent tires from being placed on property;
- 3) Property owner did not participate in or consent to placing the tires on the property;
- 4) Property owner received no financial benefit;
- 5) Property title was not transferred to evade liability; and
- 6) Responsible party who placed tires on the property was not acting as an agent for the property owner.

Submission Instructions/Checklist

If the property owner meets all six conditions, complete the Scrap Tire Consent form (application), accordingly. In order to ensure your application gets considered, **please provide 1) Consent Form, 2) Deed, and 3) Photos and Map** to the Ohio EPA. **Incomplete application packages will not be considered.**

- 1) Consent Form**
 - a. Provide parcel information for the property upon which the tires are located on line 1 and include a complete address of tire location.
 - b. Select the applicable condition on line 4a or 4b of the form below.
 - c. Fill out all of the certifications on the form completely.
 - d. Provide the applicants mailing address and contact number. This information will be used to notify the applicant of the status of their application.
 - e. Provide signatures of 1) all property owners listed on the deed, or 2) authorized agent of property owner(s) with power of attorney.
- 2) Recorded Deed** (attachment)

Attach a copy of the recorded parcel deed which provides a complete legal description of the parcel on line 1. (Documents are available at the county auditor's office.)
- 3) Photos/Parcel Map** (attachment)

Attach site photo(s) **and** a parcel map showing an X where the scrap tires are located **and include property boundaries**.

Send the completed consent form with attachments to:

Kevin.shoemaker@epa.ohio.gov

For questions or assistance, contact the Division of Materials and Waste Management at (877) 372-2621.



**Scrap Tire Removal Certifications and Consent Form
for Citizens and Businesses**
Division of Materials and Waste Management

This Scrap Tire Removal Certification and Consent form applies to citizens and businesses applying for removal of illegally dumped scrap tires on their property pursuant to Ohio Revised Code (ORC) 3734.85(E).

- 1) The undersigned represents the owner of a parcel of real estate located in _____ Ohio,
County
 whose legal description is recorded in _____ of the _____ deeds as attached.
Volume, Page County Recorded
- a) Address: _____
 City: _____ Zip Code: _____ - _____
- If applicable, other directions to better describe location of scrap tire location (for example: the site is 500 yards north of 14 Spring Street or at the SE corner of Elm and Oak):

- b) Insert the approximate number of scrap tires to be removed: _____
- 2) The undersigned hereby authorizes and consents to the entry upon the above-described real estate by officers, employees, authorized representatives, or contractors of the State of Ohio, upon showing proper identification, for such actions as are necessary to remove scrap tires and other associated solid wastes, if any, from the above-described real estate.
- 3) The undersigned hereby certifies that there are 5,000 or less scrap tires located on the above-described real estate. *ORC 3734.85(E)*
- 4) The undersigned hereby certifies that: (check the applicable sentence, 4a or 4b)
- a) The tires were placed on the property after the owner acquired title to the property, or
- b) The tires were placed on the property before the owner acquired title to the property and the owner acquired title to the property by bequest or devise. *ORC 3734.85(E)(1)*
- 5) The undersigned hereby certifies that as owner of the property he/she did not have knowledge that the tires were being placed on the property, or he/she posted on the property signs prohibiting dumping, or took other action to prevent the placing of tires on the property. *ORC 3734.85(E)(2)*
- 6) The undersigned hereby certifies that as owner of the property he/she did not participate in or consent to the placement of tires on the property. *ORC 3734.85(E)(3)*
- 7) The undersigned hereby certifies that as owner of the property he/she received no financial benefit from placing of the tires on the property or otherwise having the tires on the property. *ORC 3734.85(E)(4)*
- 8) The undersigned hereby certifies that the title to the property was not transferred to the owner for the purpose of evading liability under ORC 3734.85(A). *ORC 3734.85(E)(5)*
- 9) The undersigned hereby certifies that the person responsible for the placing the tires on the property, in doing so, was not acting as an agent for the owner of the property. *ORC 3734.85(E)(6)*

- 10) The undersigned hereby relinquishes any claim of an ownership interest in any scrap tires or solid waste that are removed or in any proceeds from their sale.
- 11) The undersigned hereby agrees not to allow any further accumulation of scrap tires at the above-described real estate.
- 12) The undersigned hereby agrees to waive any claims which may arise against the State of Ohio or their officers, employees, authorized representatives, or contractors in the course of performing the actions described above. The undersigned hereby also agrees to hold harmless the State of Ohio, or any officers, employees, authorized representatives, or contractors utilized by the Ohio Environmental Protection Agency to affect the removal, for any damage to property incurred during the course of action under this Scrap Tire Removal Certifications and Consent Form, except to gross negligence or intentional misconduct.
- 13) The undersigned agree to provide any assistance requested by the Ohio Environmental Protection Agency or their officers, employees, authorized representatives, or contractors of the Ohio Environmental Protection Agency in locating scrap tires on the above-described real estate or making arrangements to facilitate their removal.
- 14) The undersigned agrees that this consent shall remain in effect for a period of 2 (two) years.
- 15) This consent is granted so that the State of Ohio can undertake the removal of up to 5,000 scrap tires and other solid wastes at the above-described real estate at no cost to the undersigned and without a lien attached to the property pursuant to ORC 3734.85.
- 16) The undersigned certifies that this Scrap Tire Removal Certifications and Consent Form is entered into voluntarily and without coercion, and that the authorizations contained herein are not granted in consideration of the release of any claims which the State of Ohio may have against the undersigned.
- 17) The undersigned certifies that the information provided in this request is truthful and in compliance with Ohio Revised Code § 2921.13.

Printed Name(s): _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____ - _____

Phone: () - _____ Email: _____

Project Point of Contact: _____ Phone: () - _____

Date: / / _____

Signature of all Property Owners or Authorized Agent of Property Owner with Power of Attorney Attached:
