

3745-27-56 Standards for transporters of scrap tires.

(A) Applicability.

Any person transporting scrap tires in Ohio shall comply with the standards for transportation of scrap tires in this rule and the use of shipping papers in rule 3745-27-57 of the Administrative Code.

(B) Non-registered transporters.

Any person transporting scrap tires in Ohio, including but not limited to, anyone who qualifies for one of the exclusions from registration listed in paragraph (A)(2) of rule 3745-27-54 of the Administrative Code shall transport, store, and handle scrap tires so as not to create a nuisance, a hazard to public health or safety, or a fire hazard and shall do the following:

(1) Deliver the scrap tires only to destinations listed in paragraph (C)(1) of this rule.

(2) Do one of the following:

(a) Remove water from the scrap tires before transportation.

(b) Arrange for all scrap tires to be shredded or cut before transportation.

(c) Treat the scrap tires with a larvicide approved by the Ohio department of agriculture before transporting the scrap tires.

[Comment: Application of the larvicide may require a license from the Ohio department of agriculture.]

(3) Comply with the scrap tire shipping paper system as described by rule 3745-27-57 of the Administrative Code.

(4) Operate portable equipment (for baling, cutting, or shredding scrap tires) to consolidate loads of scrap tires for shipment only if specifically authorized by the local health department or the director. Operation of such equipment for load consolidation requires registration as a scrap tire transporter in accordance with rule 3745-27-54 of the Administrative Code. Operation of such equipment for producing useable products or materials requires registration as a scrap tire recovery facility in accordance with rule 3745-27-61 or rule 3745-27-67 of the Administrative Code or permitting in accordance with rule 3745-27-63 of the Administrative Code.

(5) Park trailers or vehicles containing scrap tires for no longer than fourteen days at locations other than a scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of this rule). The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to the local health department and Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and such repairs are being completed in a timely manner.

(C) Registered scrap tire transporters.

A registered scrap tire transporter shall do all of the following:

(1) Deliver scrap tires only to the following:

- (a) A scrap tire scrap tire collection, scrap tire storage, scrap tire monocell, scrap tire monofill, or scrap tire recovery facility licensed under section 3734.81 of the Revised Code.
 - (b) A solid waste incinerator or energy recovery facility subject to regulation under Chapter 3734. of the Revised Code.
 - (c) A premises authorized to beneficially use scrap tires pursuant to rule 3745-27-78 of the Administrative Code.
 - (d) Another transporter holding a valid annual registration certificate under rule 3745-27-54 of the Administrative Code.
 - (e) A facility in another state in compliance with the laws of that state.
 - (f) A premises operating as an unregistered scrap tire facility in accordance with rule 3745-27-61 of the Administrative Code, such as a tire retail dealer, tire retreader, etc.
- (2) Store scrap tires only in a covered trailer or vehicle for not longer than thirty days prior to transporting the scrap tires to one of the destinations listed in paragraph (C)(1) of this rule. These trailers or vehicles must be parked at one of the transporter's business locations specified in the application for an annual registration certificate. Scrap tires may be transferred directly from one vehicle or trailer to another to create a full load in a vehicle or trailer at the scrap tire business location as long as the scrap tires are not left on the ground after the transfer is complete. The transfer of scrap tires between vehicles or trailers is load consolidation only and not sorting. Sorting or grading shall be done in accordance with paragraph (C)(3) of this rule.
- (3) Sort or grade scrap tires only if the required information on sorting was supplied with the scrap tire transporter application. Sorting includes segregating tires by type and size, separating scrap tires for potential sale as used tires, and separating retreadable casings from scrap tires to be recycled or disposed. Scrap tires may be transferred between trailers or vehicles to sort scrap tires only if the following conditions are met:
- (a) Scrap tires will not remain outside of a covered trailer or vehicle beyond the end of the current work shift.
 - (b) Scrap tires will not remain at the transporter's business location in covered trailers or vehicles for more than thirty days. A scrap tire transporter shall not store scrap tires for more than thirty days unless the transporter has applied for and obtained a registration or permit and a license as a scrap tire collection, storage, or recovery facility in accordance with rule 3745-27-61 or 3745-27-63, and 3745-37-01 of the Administrative Code. If the scrap tire transporter is also a facility not required to obtain a registration or permit and a license as a scrap tire facility in accordance with rule 3745-27-61 of the Administrative Code, scrap tires may be stored at the facility if the storage meets all of the exclusion criteria in rule 3745-27-61 of the Administrative Code.
- (4) Maintain an original of the annual registration certificate at all of the following locations:
- (a) In all vehicles while scrap tires are being transported.
 - (b) At each business location.
 - (c) At any location where portable equipment is used to consolidate loads of scrap tires for shipment.

- (5) Establish and implement a procedure to control the transporter registration certificates such that the transporter can prevent unauthorized use and can, if requested, recover all of the originals issued.
- (6) Store and handle the scrap tires so as not to create a nuisance, a hazard to public health or safety, or a fire hazard. Scrap tires or vehicles containing scrap tires shall not be stored or parked under bridges, elevated trestles, elevated roadways, elevated railroads, or electrical power lines having a voltage in excess of seven hundred fifty volts or that supply power to fire emergency systems.

[Comment: State and local fire codes and zoning ordinances may be more restrictive and must be complied with by the scrap tire transporter.]

- (a) Trailers or vehicles containing scrap tires shall be parked at least fifty feet from buildings not owned or leased by the scrap tire transporter or fifteen feet from buildings owned or leased by the scrap tire transporter, unless the trailer or vehicle is parked at a loading dock and is being actively loaded or unloaded.
- (b) Scrap tires being sorted or graded in the scrap tire handling area shall be at least fifty feet from buildings not owned or leased by the scrap tire transporter or fifteen feet from buildings owned or leased by the scrap tire transporter.
- (c) Trailers or vehicles containing scrap tires shall not be parked at locations other than the scrap tire transporter's registered business location, a licensed scrap tire facility, or an unregistered scrap tire facility operating in accordance with rule 3745-27-61 of the Administrative Code (such as pre-positioned trailers in accordance with paragraph (C)(8) of this rule) for longer than fourteen days. The scrap tires in trailers or vehicles shall be considered open dumped unless written prior notification is given to the local health department and Ohio EPA that the vehicle or trailer requires mechanical repairs which will take longer than fourteen days to complete and such repairs are being completed in a timely manner.
- (7) Take appropriate actions to prevent the spread of mosquitoes, as follows:
- (a) If the scrap tires are being removed from an actively managed location with records of proper mosquito control, the transporter shall do one of the following:
- (i) Accept scrap tires that contain water only if the scrap tire generator certifies that the scrap tires have been properly treated for mosquito control within the past month.
- (ii) Remove water from the scrap tires before transporting them.
- [Comment: Covering the scrap tires during transport to prevent the accumulation of water in the scrap tires, while not mandatory, may increase the acceptability of the scrap tires by the end user.]
- (iii) Shred or cut all scrap tires before transportation or deliver within twenty-four hours to a facility which will process the scrap tires such that no water remains in the tire pieces within twenty-four hours of delivery of the scrap tires to the facility. Total elapsed time from initial removal to processing shall not exceed forty-eight hours if the tires contain water and are not treated with a larvicide.
- (b) If the scrap tires are being removed from an inactive location or there is no record of proper mosquito control, the transporter shall do one or more of the following:

- (i) Remove all water from the scrap tires before transportation.
- (ii) Shred or cut all scrap tires before transportation or deliver within twenty-four hours to a facility which will process the scrap tires such that no water remains in the tire pieces within twenty-four hours of delivery of the scrap tires to the facility. Total elapsed time from initial removal to processing shall not exceed forty-eight hours if the tires contain water and are not treated with a larvicide.
- (iii) Treat the scrap tires with a larvicide approved by the Ohio department of agriculture before transporting the scrap tires.

[Comment: Application of the larvicide may require a license from the Ohio department of agriculture.]

[Comment: The Ohio department of health has documented the spread of disease-carrying mosquitoes by the transportation of mosquito eggs and larvae in scrap tires.]

- (8) May, if the transporter chooses, pre-position trailers at other business locations not owned or operated by the transporter, such as scrap tire facilities, retailers, or retreaders, for use by these businesses as a scrap tire storage area. The pre-positioned trailer is part of the scrap tire collection or storage area for the respective business and will be included in calculating the total size of the scrap tire storage area for that business and the applicable exclusions listed in rules 3745-27-61 and 3745-27-63 of the Administrative Code. The owner of the business where the trailer is pre-positioned, and not the scrap tire transporter, is responsible for compliance with rule 3745-27-60 of the Administrative Code for the scrap tires stored in the trailer. If the business is also a scrap tire facility, then compliance with rule 3745-27-65 rather than rule 3745-27-60 of the Administrative Code is required.
- (9) Pick up the pre-positioned trailer on a regular basis as follows:
 - (a) If the trailer is fully enclosed and only dry scrap tires are placed in the trailer, the pickup can be on an as needed basis or any other time frame agreeable to both the transporter and the business owner.
 - (b) If the trailer is open and not covered at all times with a waterproof tarp or if scrap tires containing water are placed in the trailer, pickup shall occur once every seven days to prevent the breeding of mosquitoes. The transporter shall maintain records showing when the trailer was dropped off and picked up and shall furnish a copy of these records to the owner of the tire business where the trailer is pre-positioned.
- (10) Retain responsibility for any scrap tires staged for shipment at a barge, ship, or rail terminal. The registered scrap tire transporter remains responsible for ensuring the scrap tires are delivered to a destination listed in paragraph (C)(1) of this rule.
- (11) Operate any portable equipment used for the purpose of consolidating loads of scrap tires for shipment, in accordance with the following:
 - (a) Not later than ten days in advance of operations, the transporter shall notify in writing the following entities of the intent to operate portable equipment at a site:
 - (i) The fire department having responsibility for providing fire control services where the operations are to be located.

- (ii) The approved local health department where the operations are to be located.
 - (iii) The appropriate Ohio EPA district office for the county in which the operations are to be located.
- (b) The transporter shall include in the notification, at a minimum, all of the following information:
- (i) The name, business address, and registration number of the scrap tire transporter.
 - (ii) A contact name and telephone number for the transporter.
 - (iii) The location or address at which the portable equipment will be operated.
 - (iv) The start date and the estimated duration of the operations.
- (c) The portable equipment shall not be operated outside of a building within the areas specified in paragraph (C)(3)(b) of rule 3745-27-54 of the Administrative Code.
- (d) The portable equipment shall not be operated outside of a building within one thousand feet of the areas specified in paragraph (C)(3)(c) of rules 3745-27-54 of the Administrative Code. The one-thousand-foot setback may be waived by a prior written agreement between the scrap tire transporter and both the owner and the designated authority of the above areas.
- .
- (e) The portable equipment shall not be operated outside of a building within the following:
- (i) One hundred feet of any property line.
 - (ii) One hundred feet of buildings or structures not owned or leased by the property owner or the transporter.
 - (iii) Two hundred feet of a stream, lake, or wetland.
- (f) The portable equipment shall not be located or operated at any one site for longer than sixty days unless one or more the following applies:
- (i) The transporter submits a written request for additional time, and receives written approval from Ohio EPA allowing a single extension of no more than sixty days.
 - (ii) The transporter is also the owner or operator of a class I or class II scrap tire recovery facility and is operating at that licensed facility.
 - (iii) The transporter applies for, and receives a class I permit or class II registration and a solid waste facility license to operate a scrap tire recovery facility at the site.
- (g) Portable equipment used to produce a useable material, including but not limited to material to be beneficially used in a civil engineering application, shall be owned or operated by a licensed scrap tire class I, class II, or mobile recovery facility.
- (h) Within fourteen days after ceasing operations at a site, the transporter shall do the following:
- (i) Send written notification to the entities listed in paragraph (C)(11)(a) of this rule.

- (ii) Include in this notification the information in paragraph (C)(11)(b) of this rule, the date operations ceased, and a brief description of the completed operations including the following: number of scrap tires processed, any remedial actions performed (e.g., solid or hazardous waste disposal, fire residual removal, grading or seeding, etc.), and an estimate of the number of scrap tires (if any) remaining at the site.

(12) Maintain communications equipment and portable fire extinguishers at all sites while portable equipment is being operated.

(D) Whenever there is a fire at a site where the registered scrap tire transporter is operating, the registered scrap tire transporter shall immediately do all of the following:

(1) Notify local police and fire agencies.

(2) Notify the Ohio EPA emergency response team using the twenty-four hour toll free number, [800-282-9378], and provide the following information:

(a) Name and telephone number of the contact person reporting the fire.

(b) Name and address of the site or facility.

(c) Time of the fire.

(d) Quantity of tires involved, to the extent known.

(e) The extent of injuries, if any.

(f) The possible hazards to human health or the environment.

(3) Take all reasonable actions necessary to suppress the fire and to protect human health and the environment and to minimize hazards.

(4) Take all reasonable measures necessary to contain any residuals, including but not limited to, pyrolytic oil and water that results from suppressing a fire at the site. Measures shall include establishing temporary berms, dikes or other containment devices where necessary.

(5) Take all reasonable measures necessary to ensure that fires do not occur, recur, or spread to other areas of the site. These measures shall include removing or isolating tires and portable containers.

(6) Implement and complete remediation activities in accordance with rule 3745-27-79 of the Administrative Code after the occurrence of a scrap tire fire.

(E) A registered scrap tire transporter may accept scrap tires from the general public or other entities and operate portable equipment in accordance with one or combination of the following:

(1) A contract with a government agency or a political subdivision at the site designated in the contract.

(2) One of the exclusions from registering in rule 3745-27-61 of the Administrative Code.

(3) Registrations or permits and licenses to operate a scrap tire facility.

(F) A registered scrap tire transporter shall submit to the divisions of Ohio EPA regulating air pollution control and water pollution control, written notification of intent to operate portable equipment at the specific

location and a written request for information pertaining to any regulatory requirements under Chapter 3704. or 6111. of the Revised Code and obtain all applicable permits, licenses, certificates, or approval prior to operating portable equipment at that location.

(G) Annual report.

The transporter shall prepare an annual report, based on the transporter's shipping papers, for all shipments of scrap tires transported by the transporter during the preceding calendar year. The transporter shall submit the report to the director, in a format approved by the director, as part of the transporter's annual registration certificate renewal. The transporter shall, at the same time, submit copies of the annual report to the local approved health department, the appropriate Ohio EPA district office, and the local solid waste management district. The annual report and the annual registration renewal shall be submitted not later than January thirty-first of each year. The report shall include at least the following information:

- (1) The total quantity by number, weight (tons) or volume (cubic feet) of scrap tires transported by the registered transporter (clearly define the unit of measure).
- (2) The total quantity by number, weight (tons) or volume (cubic feet) (clearly define the unit of measure) of scrap tires transported from each scrap tire source and to each collection, storage, monocell, monofill, or recovery facility, beneficial use site or other premises, or deposited with another transporter. The report shall include deliveries of Ohio scrap tires to out-of-state as well as Ohio facilities. The report shall also include deliveries of all out-of-state scrap tires to Ohio facilities.
- (3) An estimate of the percentage of scrap tires in each of the following three categories: (a) passenger car tires, (b) heavy and medium truck tires, and (c) all other tires.

(H) Closure.

- (1) Closure activities shall be mandatory for a scrap tire transporter if any of the following occurs:
 - (a) The transporter registration expires and the transporter does not apply for a renewal of the scrap tire transporter registration.
 - (b) The transporter notifies the director in writing that the transporter will no longer transport scrap tires.
 - (c) A transporter's registration has been denied or revoked and all remedies for the denial or revocation have either been exhausted or waived by failure to pursue such remedies in a timely manner.
- (2) Within thirty days of any occurrence listed in paragraph (H)(1) of this rule, the transporter shall do all of the following:
 - (a) Notify each of the transporter's customers of that fact via certified mail or any other form of mail accompanied by a receipt.
 - (b) Deliver all accumulated scrap tires to destinations listed in paragraph (C)(1) of this rule.
 - (c) Return all of the scrap tire transporter annual registration certificates to the director.
 - (d) At the time of closure, prepare and submit a final annual report that includes the information required by paragraphs (G)(1) to (G)(3) of this rule for all scrap tires transported since the last annual report was submitted.

(e) Certify closure has been completed in accordance with this rule.

(f) Request, in writing to the director, the release of the financial assurance held by the director.

Five Year Review (FYR) Dates: 07/08/2014 and 07/08/2019

CERTIFIED ELECTRONICALLY

Certification

07/08/2014

Date

Promulgated Under: 119.03
Statutory Authority: 3734.02, 3734.74
Rule Amplifies: 3734.74, 3734.83
Prior Effective Dates: 3/1/1996, 3/29/2002, 11/1/2007