

3745-27-61 Registration requirements for scrap tire collection, class II scrap tire storage, and class II scrap tire recovery facilities.

(A) Applicability. A scrap tire storage facility with a total aggregate storage area of ten thousand square feet in basal area or less is a class II scrap tire storage facility and shall register in accordance with this rule. A scrap tire recovery facility with a daily design input capacity of less than two hundred tons per day is a class II scrap tire recovery facility and shall register in accordance with this rule. Larger scrap tire storage or recovery facilities are class I facilities and require a permit to install in accordance with rule 3745-27-63 of the Administrative Code.

(1) Except as specified in paragraphs (A)(2) to (A)(5) of this rule, this rule is applicable to scrap tire collection, class II scrap tire storage, and class II scrap tire recovery facilities, as defined in rule 3745-27-01 of the Administrative Code, as follows:

- (a) An application for a registration certificate for a new facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office, based on where the facility is to be located, at least ninety days prior to the date on which the applicant proposes to accept scrap tires at the facility.
- (b) Prior to modifying a facility, an application for a registration certificate to modify the facility along with a non-refundable application fee of fifteen dollars shall be submitted to the director through the appropriate district office at least ninety days prior to the date on which the owner or operator proposes to modify the facility. "Modification" of a class II scrap tire storage facility or a class II scrap tire recovery facility is defined the same as "modification" is defined for a class I scrap tire storage facility or class I scrap tire recovery facility in paragraph (C)(6) or rule 3745-27-02 of the Administrative Code.

(2) Scrap tire collection facility. The requirement to obtain a scrap tire collection facility registration certificate does not apply to the owner or operator of any of the following:

- (a) A premises where tires are sold at retail that meets either of the following:
 - (i) No more than one thousand scrap tires are present any time in an unsecured, uncovered, outdoor location.
 - (ii) Any number of scrap tires are secured in a building or a covered, enclosed container, trailer, or installation.
- (b) The premises of a tire retreading business, tire manufacturing finishing center, or tire adjustment center on which is located a single, covered scrap tire storage area at which no more than four thousand scrap tires are stored.

[Comment: The definitions of "premises," "tire retreading business," "tire manufacturing finishing center," and "tire adjustment center" are found in rule 3745-27-01 of the Administrative Code.]

- (c) The premises of a business that removes tires from motor vehicles in the ordinary course of business on which is located a single scrap tire storage area that occupies not more than twenty-five hundred square feet.
- (d) A premises where scrap tires are beneficially used for which the notice required, if any, by rule 3745-27-78 of the Administrative Code has been given.
- (e) A registered scrap tire transporter that collects and holds scrap tires in a covered trailer or vehicle for

not longer than thirty days prior to transporting them to their final destination.

- (f) Any political subdivision or any state agency, which conducts a roadside or public property litter cleanup operation or a community sponsored tire collection event and stores the scrap tires for less than thirty days prior to delivery of the scrap tires to a registered scrap tire transporter or licensed scrap tire facility. Temporary storage exceeding thirty days but less than one year shall be limited to fewer than one thousand scrap tires which are stored inside a building, enclosed trailer, or covered roll-off container and the tires are dry or treated with a mosquito larvicide if tires brought to the event contain liquid. A community sponsored tire collection event is a not-for-profit event. The drop-off of the tires shall be either free or for a minimal fee to cover costs of collection, transportation, and disposal or recycling. This exclusion from the registration requirement of this rule does not apply to drop off locations operated continuously but only to a discrete event or events. Continuous or permanent drop off points for tires shall be registered and licensed as a scrap tire collection or storage facility.
 - (g) A solid waste transfer facility, licensed under Chapter 3734. of the Revised Code, where all scrap tires, which have been pulled from mixed loads of solid waste or delivered in a load of ten or less scrap tires, are stored in portable enclosed containers prior to their transfer to any of the proper locations listed in paragraph (C)(1) of rule 3745-27-56 of the Administrative Code.
 - (h) A construction and demolition debris landfill licensed under Chapter 3714. of the Revised Code where scrap tires pulled from mixed loads of construction and demolition debris waste are stored in portable enclosed containers prior to their transfer to any of the proper locations listed in paragraph (C)(1) of rule 3745-27-56 of the Administrative Code.
- (3) Scrap tire storage facility. The requirement to obtain a scrap tire storage facility registration certificate does not apply to the following:
- (a) Any of the premises listed in paragraph (A)(2) of this rule.
 - (b) A solid waste disposal facility, solid waste incinerator, or solid waste energy recovery facility licensed under section 3734.05 of the Revised Code that stores scrap tires which have been pulled from mixed loads of solid waste or delivered in a load of ten or less scrap tires, if the total basal area on which scrap tires are actually stored is ten thousand square feet in basal area or less.
 - (c) A scrap tire monofill, monocell, or recovery facility licensed under section 3734.81 of the Revised Code if the storage area does not exceed a basal area of ten thousand square feet. Scrap tire storage areas in excess of the limit for a scrap tire monocell, monofill, or recovery facility are not part of the scrap tire monofill, monocell, or recovery facility and are not excluded from the requirements for registration or permitting and licensing as a separate scrap tire storage facility.
- (4) The following facilities are not included in the definition of scrap tire recovery facility and; therefore, these facilities are excluded from the requirement to register as a scrap tire recovery facility:
- (a) Any solid waste incineration or energy recovery facility that is designed, constructed, and used for the primary purpose of incinerating mixed municipal solid waste and that burns scrap tires in conjunction with mixed municipal solid wastes.
 - (b) A tire retreading business, tire manufacturing finishing center, or tire adjustment center having on the premises of the business a single, covered, scrap tire storage area at which not more than four thousand scrap tires are stored.

- (5) Facilities permitted and operating under an air permit such as an industrial boiler, kiln, or utility that burns whole scrap tires, tire pieces, or tire derived fuel (TDF) in conjunction with the facility's primary fuel shall:
- (a) Obtain a registration or permit as a scrap tire recovery facility if the facility burns whole scrap tires or tire pieces that do not meet the definition of TDF in rule 3745-27-01 of the Administrative Code.
 - (b) Not be required to be registered or permitted as a scrap tire recovery facility, if the facility solely utilizes TDF as defined in rule 3745-27-01 of the Administrative Code. The TDF is defined as a product and not a scrap tire; however, the facility owner or operator shall maintain records to show that the TDF storage shows a turn over rate equivalent to the turn over rate of other fuels stored for use.
- (6) The exclusions from registration specified in paragraphs (A)(2) to (A)(5) of this rule are not cumulative, but shall be considered individually. In the event that more than one exclusion could apply to any particular facility, the facility's owner or operator shall be eligible for the exclusion that would cover the largest number of scrap tires, and shall not be eligible for any other exclusions in paragraphs (A)(2) to (A)(5) of this rule.
- (7) A new facility or existing scrap tire recovery facility that requests to burn solid waste with the scrap tires shall, in addition to registering as a scrap tire recovery facility, do the following:
- (a) Apply for a solid waste incinerator facility permit to install application in accordance with rule 3745-27-50 of the Administrative Code.
 - (b) Apply for a solid waste incinerator license in accordance with Chapter 3745-37 of the Administrative Code.
- (8) A new facility or existing scrap tire recovery facility that requests to burn infectious waste with the scrap tires shall, in addition to registering as a scrap tire recovery facility, do the following:
- (a) Apply for an infectious waste treatment facility permit to install application in accordance with rule 3745-27-37 of the Administrative Code.
 - (b) Apply for an infectious waste treatment license in accordance with Chapter 3745-37 of the Administrative Code.
- (B) An application for a registration certificate as required by section 3734.75, 3734.76, or 3734.78 of the Revised Code, shall be submitted to and approved by the director, before the establishment or modification of the scrap tire collection, class II scrap tire storage, or class II scrap tire recovery facility is begun. The application for a registration certificate shall include the following:
- (1) Contain all the information required in paragraphs (B) and (C) of this rule such that the director can determine whether the criteria set forth in rule 3745-27-62 of the Administrative Code are satisfied.
 - (2) Contain detailed engineering plans, specifications, and information that shall be presented in a manner acceptable to the director. Detail shall be sufficient to allow clear understanding for technical review of the registration certificate application, to assure compliance with Chapters 3745-27 and 3745-37 of the Administrative Code, and to be readily understandable by operating personnel at the facility.

For regulatory review purposes, the initial application and any subsequent revisions to the application, shall be submitted in duplicate to the director with a third copy sent to the board of health of the health district where the facility is or shall be located. Any revisions to the application shall be accompanied by

an index listing the change and the page where the change occurred. Upon written request from Ohio EPA, the applicant shall submit two additional and identically complete copies of the revised application to the director and a notarized statement that, to the best of the knowledge of the applicant, the detail engineering plans, specifications, and information in the registration application are true and accurate.

An application, notwithstanding its deficiency, shall be considered and acted upon if sufficient information is in the detailed engineering plans, specifications, and report for the director to determine whether the criteria set forth in rule 3745-27-62 of the Administrative Code are satisfied.

If the director determines that information in addition to that required by paragraphs (B) and (C) of this rule is necessary to determine whether the criteria set forth in rule 3745-27-62 of the Administrative Code are satisfied, the director shall require that the applicant supply such information as a precondition to further consideration of the application.

The registration shall remain in effect until the director has received, and approved in writing, certification that all required closure activities have been completed, unless the registration has been revoked in accordance with paragraph (I) of rule 3745-27-62 of the Administrative Code.

(C) The application for a registration certificate shall consist of the following:

(1) Facility information.

(a) Facility name, address, location, and phone number.

(b) Owner and operator name, address, and phone number, including the information for all facility owners and operators.

(c) The name, address, and phone number of all emergency contact people for the facility. These people shall be authorized to commit resources necessary for emergency response equipment, material, and services for the facility.

(d) Name, address, and phone number of the authorized person or office to contact regarding the facility during the closure period.

(e) The name, address, and phone number of the owner of the property on which the facility is located, including all property owners.

(f) The name, address, and phone number of the person who prepared the application.

(2) Calculations of the amount of financial assurance required for a third party to complete closure of the facility as specified in rule 3745-27-66 of the Administrative Code. The financial assurance amount shall be in accordance with rule 3745-27-15 of the Administrative Code and shall be based on the maximum number of scrap tires and the maximum amount of scrap tire material to be stored at the facility. For the purposes of determining the amount of financial assurance required at each facility, use the maximum number of scrap tires, expressed in passenger tire equivalents, to be located at the facility. For scrap tire recovery facilities, include the maximum number of scrap tires to be located at the facility including both whole scrap tires and processed scrap tires, expressed in passenger tire equivalents. The owner or operator shall use the conversion factors in appendix I to this rule when calculating the number of passenger tire equivalents. The amount of financial assurance shall equal the sum of the following:

(a) One dollar per passenger tire equivalent for all whole scrap tires, including baled tires and rough tire shreds, stored or planned to be stored at the facility in compliance with rule 3745-27-65 of the Administrative Code.

- (b) For processed scrap tires, except for baled tires and rough tire shreds, that meet the definition of scrap tire in rule 3745-27-01 of the Administrative Code, the cost for transportation to a scrap tire monocell or monofill facility and disposal of the maximum amount of processed tires to be stored at the facility.
 - (c) For all other processed scrap tires, manufacturing by-products, and manufacturing residuals from scrap tires, the cost of removal from the facility to a recycling or disposal facility prior to closure of the scrap tire facility. This includes all component parts, partially assembled, and fully assembled products made from scrap tires.
- (3) A description, in narrative form, of the security used at the facility which meets the requirements of paragraphs (C)(6) and (C)(7) of rule 3745-27-65 of the Administrative Code.
- [Comment: Be aware that the means of limiting access may need to meet the standards of the local fire official, the state fire code in particular rule 1301:7-7-25 of the Administrative Code, local fire codes or zoning ordinances.
- (4) A description, in narrative form, of the method used to control mosquitoes at the facility which meets the requirements of rule 3745-27-65 of the Administrative Code.
- (5) A class II scrap tire recovery facility application shall include the calculations and narrative describing the "daily design input capacity" (DDIC) requested for the facility. The initial DDIC shall be calculated as an estimated average of the total daily processing amount for all operating days in each month. This amount shall be expressed in weight. The calculations shall be updated for each new licensing year to determine the need for a facility modification in accordance with paragraph (A)(1)(b) of this rule. The updated calculations shall be based on the amounts recorded in the facility's operating log, expressed either by weight (for facilities utilizing scales), number count, or volume per day. The conversion factors to use between weight and volume or number count are found in appendix I to this rule.
- (6) For an application for a class II scrap tire recovery facility only, the maximum land surface area, in square feet, to be utilized for the scrap tire storage area for the facility.
- (7) A class II scrap tire storage or a class II scrap tire recovery facility application shall include a narrative description of the facility's method of operation and how the facility operation shall meet the criteria for approval in rule 3745-27-62 of the Administrative Code. The description shall include all of the following:
- (a) A description of the equipment and methods to be used in the operation and maintenance of the facility including performance capabilities, scrap tire processing rate, and specifications of each piece of powered equipment to be used for loading, unloading, handling, or processing of scrap tires.
 - (b) The proposed hours of operation.
 - (c) The inspection procedures to prevent any material other than scrap tires from being accepted at the facility. A description of how tires mounted on wheel rims and the associated lead weights shall be segregated and stored; and managed for recycling or proper disposal.
 - (d) A description of all activities to be performed on the site, including, but not limited to receiving, unloading, loading, handling, storage, compacting, baling, shredding, processing rates and order of operations, operational methods used to handle bulky and dusty materials and any other processing operations.

- (e) Measures to control dust and erosion at the facility.
- (8) For an application for a scrap tire collection facility only, a narrative description of any portable containers in which scrap tires shall be stored including the number and type of containers and capacity of each container.
- (9) A copy of the fire contingency plan required by paragraph (G) of rule 3745-27-65 of the Administrative Code.
- (10) A class II scrap tire storage facility application and a class II scrap tire recovery facility application shall include the following plan view drawings and detailed engineering plans with minimum dimensions of twenty-four inches by thirty-six inches. Plan view drawings and engineering plans with a scale of one inch equals a maximum of two hundred feet and a north arrow shall be used. The drawings shall include the following items within the facility boundary and within five hundred feet of the proposed facility boundary:
 - (a) The location of the property lines where the facility is to be located.
 - (b) The location and limits of proposed portable scrap tire containers including maximum height of all scrap tire storage piles (use a scale insert if necessary).
 - (c) The location and width of all fire breaks.
 - (d) The locations and dimensions of all buildings, fencing, gates, or structures. Including the location and dimensions of all domiciles included in the facility's boundaries and within five hundred feet of the facility's boundaries.
 - (e) The location of all access roads.
 - (f) The existing direction of flow and points of concentration of all surface waters.
 - (g) Any berms or other structures that are required in accordance with paragraph (C)(2) or (C)(3) of rule 3745-27-62 of the Administrative Code or to control run-off from the facility in accordance with paragraph (I)(2)(d) of rule 3745-27-65 of the Administrative Code.
 - (h) The location of 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.
 - (i) The limits of the regulatory floodplain.
- (11) Copies of the return receipts and letters of intent to establish or modify a scrap tire collection, scrap tire recovery, or scrap tire storage facility. The letters shall be sent by certified mail or any other form of mail accompanied by a receipt to the following entities:
 - (a) The governments of the general purpose political subdivisions where the facility is situated, e.g., county commissioners, legislative authority of a municipal corporation, or the board of township trustees.
 - (b) The single or joint county solid waste management district or regional solid waste management authority or authorities where the facility is located.
 - (c) The owner or lessee of any easement or right-of-way bordering or within the proposed facility boundaries which may be affected by the proposed scrap tire facility.

- (d) The local zoning authority having jurisdiction, if any.
 - (e) The national or state park system administrator, if any part of the facility is located within or shares any portion of the national or state park boundary.
 - (f) The conservancy district, if any part of the facility is located or shares any portion of the conservancy district boundary.
 - (g) The fire department having responsibility for providing fire control services where the facility is located. The letter of intent shall include the fire contingency plan as an attachment. The fire contingency plan shall be submitted by the owner or operator to the local fire chief and shall comply with local and state fire codes.
 - (h) The approved health department.
- (12) A notarized statement certifying that the information presented in the application is true and accurate and that the facility meets the siting criteria of paragraphs (B) and (C) of rule 3745-27-62 of the Administrative Code.
- (13) A certified copy of the title to the property on which the facility is located.
- (14) For an application for a registration certificate for a class II scrap tire storage or class II scrap tire recovery facility, an unexecuted draft of the financial assurance instrument in accordance with rule 3745-27-15 of the Administrative Code.
- (15) A non-refundable application fee of fifteen dollars shall be included with the application, except that for a scrap tire collection or storage facility that is owned or operated by a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code, the application fee shall be zero dollars.
- (16) Closure plan as specified in rule 3745-27-66 of the Administrative Code. The "closure plan" shall contain, at a minimum, the following information:
- (a) Schedule and description of the steps necessary to close the facility as detailed in rule 3745-27-66 of the Administrative Code.
 - (b) Name, address, and telephone number of the authorized person or office to contact regarding the facility during the closure period.
- (D) The applicant, owner, or operator signing a document in accordance with this rule shall be one of the following:
- (1) In the case of a corporation, a principal executive officer of at least the level of vice president or a duly authorized representative, if such representative is responsible for the overall operation of the facility.
 - (2) In the case of a partnership, a general partner.
 - (3) In the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.
 - (4) In the case of sole proprietorship, the owner.

- (5) In the case of a municipal, state, federal, or other governmental facility, the principal executive officer, the ranking elected official, or other duly authorized employee.
- (E) The signature on the document shall constitute personal affirmation that all statements and all assertions of fact made in the document are true, accurate, include all required information, and comply fully with applicable rules.
- (F) Unless a certification statement is otherwise required, a document signed in accordance with this rule shall include the following certification statement:
- "By signing this document I hereby certify that all statements and all assertions of fact made in the document are true, accurate, include all required information, and comply fully with applicable rules."
- (G) Upon written notification that the application is incomplete, the applicant shall within thirty days of receipt of the notification do one of the following:
- (1) Notify the director, in writing, that the application is being withdrawn.
 - (2) Correct noted deficiencies and resubmit the application.
 - (3) Submit a written request to and obtain authorization from the director for an extension for a specific period of time.
- [Comment: Paragraph (G) of rule 3745-27-62 of the Administrative Code states that an incomplete application may be a basis for denial of a registration certificate.]
- (H) Submit to the divisions of Ohio EPA regulating air pollution control and water pollution control, written notification of intent to site a scrap tire facility and a written request for information pertaining to any regulatory requirements under Chapter 3704. or 6111. of the Revised Code.
- (I) An application for a solid waste license shall be submitted in accordance with Chapter 3745-37 of the Administrative Code and Chapter 3734. of the Revised Code with a nonrefundable license application fee of one hundred dollars. All license applications are to be submitted to the appropriate licensing authority.

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, 3734.70, 3734.71, 3734.73
Rule Amplifies: 3734.70, 3734.71, 3734.73, 3734.75, 3734.76,
3734.78, 3734.79, 3745.11
Prior Effective Dates: 3/1/1996, 3/29/2002, 11/1/2007

Appendix I

Scrap Tire Conversion Factors

<u>Whole Scrap Tires</u>	<u>Weight</u>	<u>Tires/ton</u>
Passenger	20 Lbs. Each	100 Tires/ton
Truck	100 Lbs. Each	20 Tires/ton

10 passenger tires or 3 truck tires per cubic yard

20 lbs. of whole or processed scrap tire material = 1 passenger tire equivalent (PTE)

The above conversion factor (20 lbs. = 1 PTE) shall be used to convert all whole truck and larger tires to an equivalent amount of PTEs.

The above conversion factor (20 lbs. = 1 PTE) shall be used to convert all cut, shredded, or processed tire material to an equivalent amount of PTEs.

Baled Tires (Cubic Yard Size) 100 Passenger Tires Per Bale = One Ton

Shredded Tires

700 pounds = 1 cubic yard (yd³)

One ton of tire chips = 2.14 yd³ to 2.85 yd³

One yd³ of tire chips = 0.35 tons to 0.47 tons

One yd³ of tire pieces measuring between 0.5 inch and 2.0 inches are defined as **Achips@** by the American society for testing and materials (ASTM D6270-98) and can be expected to hold approximately 45 passenger tire equivalents.

One yd³ of tire pieces measuring between 2.0 inches and 12.0 inches are defined as **Ashreds@** by ASTM D6270-98 and can be expected to hold approximately 33 passenger tire equivalents.

[Comment: The definition of **Achips@** and **Ashreds@** used by ASTM D6270-98 differs from the definition of these terms in the Ohio Administrative Code and should not be confused with the use of these terms or tire derived chip (TDC) or tire derived fuel (TDF) in the Ohio Administrative Code.]

These conversion factors are to be used as standard approximations in all scrap tire facility applications and scrap tire facility annual reports.