A resource guide to help educate scrap tire generators on their regulatory requirements and to provide Ohio EPA’s partners with information on enforcement and tire removal assistance.
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SECTION 1. WHY CREATE A SCRAP TIRE GENERATOR TOOLKIT?

Introduction

Improperly managed scrap tires pose serious harm to public health and the environment. Harmful consequences include serving as a breeding ground for mosquitos, a fire hazard and contributing to open dumping that reduces property values and can harbor vectors.

Ohio EPA wants to ensure that all scrap tires are properly managed and that they are not illegally disposed. Proper management of scrap tires includes storage that prevents them from accumulating water, becoming ignited, easily isolated in the event of a fire and transported to a location that Ohio EPA allows by law or rule. In order to make progress towards this goal, it is imperative that Ohio’s scrap tire management infrastructure which consists of scrap tire generators, scrap tire transporters, licensed and registered/permitted scrap tire facilities and sites approved for beneficial uses knows and complies with Ohio EPA’s scrap tire management regulations. Ohio EPA and its partners find that scrap tire generators are often not aware that they have any requirements.

Purpose

The scrap tire generator toolkit has been created to be used by Ohio EPA and its partners as a resource that aggregates tools designed to educate scrap tire generators, with a focus on scrap tire generating businesses (such as businesses that remove, or store tires removed from vehicles), about their regulatory requirements and to provide our regulatory partners with information that they can use to address non-compliant generators within their jurisdictions.

Each resource was chosen based on the premise that an educated business owner is more likely to comply with regulations and to be able to educate its customer base. This investment has the potential to reduce threats to public health and the environment.

To date, there has not been a targeted statewide campaign to seek out, educate, proactively inspect and measure compliance with existing regulations for scrap tire generators. This situation is in part due to the sheer number of scrap tire generators. In Ohio there are thousands of businesses that meet the definition of a scrap tire generator and unfortunately, Ohio EPA and many of our regulatory partners have limited staffing and financial resources to proactively seek out and educate scrap tire generators.

Creating this scrap tire generator toolkit is only the first step in a statewide campaign to provide education and outreach to scrap tire generating businesses. Presently, based on the information that Ohio EPA has available, the toolkit includes resources that the Agency would recommend that its inspectors and partners use to educate scrap tire generators. As more outreach and focused assessments are performed, the expectation is that additional or better tools will be created that address discovered barriers and benefits to scrap tire generators complying with applicable regulations.
Partners

Several partners collaborate to implement Ohio’s scrap tire program. Partners include approved health districts, solid waste management districts (SWMDs) and local law enforcement. All partners are critical to providing outreach and education to scrap tire generators in Ohio. Each partner brings its unique directive and perspective to scrap tire management. The result is a comprehensive approach to addressing the regulatory requirements and social responsibilities of scrap tire generators. While the toolkit was designed to meet the needs of agency staff and our existing partners, Ohio EPA is always excited about the prospect of new partners that can assist in providing education and outreach to scrap tire generators.

Content

Sections 2, 3, 4, 5, 6, 7 and 8 encompass resources designed to be distributed to scrap tire generators by Ohio EPA and partners.

Section 9 will house the tools used to collect metrics from the scrap tire generating businesses contacted by Ohio EPA and partners.

Section 10 contains resources for Ohio EPA’s regulatory partners that serve two purposes. The first purpose is to offer basic information about scrap tire management that is easy to forget if not used frequently, while the second purpose is to provide information that can be used by partners to address non-compliant generators within their jurisdictions.

Section 11 explains how updates to the information in the toolkit will primarily be shared through Ohio EPA’s Scrap Tire Listserv. For guidance on how to sign-up for the listserv please see this section.

Section 12 explains where the resources that make up the scrap tire generator toolkit can be found on Ohio EPA’s webpage.
SECTION 2. GUIDANCE DOCUMENTS

Three guidance documents have been included that educate scrap tire generators about their regulatory requirements, explain why Ohio EPA regulates scrap tires and briefly cover the standards and requirements for scrap tire transporters.

2.1 GUIDANCE DOCUMENT #645: “Scrap Tire Generators: Know Your Ohio EPA Regulations”

Intended for businesses that buy, sell or generate scrap tires, this guidance document provides

- A brief overview of the regulatory requirements for a scrap tire generator;
- Answers to commonly asked questions;
- Information for common points of confusion expressed by generators of scrap tires;
- A helpful table that identifies the most common scrap tire generators and the regulatory limits that allow the generators to operate without a registration, license, or permit;
- Information for contacting Ohio EPA.

The document contains embedded links to the following resources available on Ohio EPA’s webpage:

- Scrap tire webpage;
- List of licensed scrap tire facilities;
- List of registered scrap tire transporters;
- Application to become a registered scrap tire transporter;
- Guidance document “Standards and Requirements for Scrap Tire Transporter”; and
- ORC Section 3734.99 which establishes the penalties for non-compliance with the scrap tire laws such as the failure to use a registered scrap tire transporter.

Helpful hints on when to hand out this document include the following scenarios:

- A scrap tire generator that is not a business;
- A scrap tire generator that wants a general understanding of storage and handling requirements;
- A business that is considering transporting scrap tires;
- A business you know is not using a registered scrap tire transporter; and
- A business you suspect is not using a registered scrap tire transporter.

2.2 GUIDANCE DOCUMENT #1015: “Retail Tire Dealer: Why is Scrap Tire Management Important?”

Even if retail tire dealers are aware that they have scrap tire management requirements, they may have no idea why these requirements are necessary. This guidance document explains

- Potential public health and environmental hazards associated with improper handling, storage and open dumping of scrap tires;
- Some of the alternative uses of scrap tires in the state when they are managed properly and sent to licensed recovery facilities.

Click image to see full size document
Helpful hints on when to hand out this document include the following scenarios:

• A tire business that wants to explain to customers why it charges a fee to recycle or dispose of their scrap tires;
• A tire business that wants to understand why it should use a registered scrap tire transporter;
• A tire business that you know is not using a registered scrap tire transporter;
• A business that wants to understand some of the new uses for the scrap tires collected.

2.3 GUIDANCE DOCUMENT #640: “Standards and Requirements for Scrap Tire Transporters”

This document identifies the major requirements for

• Becoming a registered scrap tire transporter and
• Operating a scrap tire transportation business

Helpful hints on when to hand out this document include the following scenarios:

• A tire business that wants to transport the scrap tires generated from its business;
• A tire business that wants to transport scrap tires generated by others;
• A tire business that wants to pick-up scrap tires to sell at its own business or another business.
Ohio EPA often uses palm cards to introduce and provide minimal, but important, information about a subject. Three palm cards have been included as resources for scrap tire generators.

3.1  **PALM CARD “Managing Scrap Tires – What everyone should know”**

This palm card explains the importance of proper scrap tire management by providing the following information to the general public:

- Introduces the nuisance, public health and environmental hazards associated with improper scrap tire handling and storage;
- Provides examples of opportunities to recycle scrap tires and simple tips for encouraging scrap tire recycling and proper disposal;
- Identifies health departments, local law enforcement and Ohio EPA as contacts for further information.

Helpful hints on when to hand out this document include the following scenarios:

- A scrap tire generator that needs to understand why scrap tires are regulated;
- A person interested in learning how scrap tires are regulated;
- When you interact with the general public at community events, schools, etc.

3.2  **PALM CARD “Managing Scrap Tires – What Retailers Should Know”**

Covered on this palm card, tire retail dealers that have scrap tires are

- Required to use a registered scrap tire transporter;
- Complete and retain shipping papers;
- Implement mosquito control measures;
- Properly store and handle scrap tires.

Helpful hints on when to hand out this document include the following scenarios:

- A tire business that is not interested in taking the time to read a guidance document;
- A tire business that you are going to follow-up with in the future; and
- A tire business that is not using a registered scrap tire transporter or completing shipping papers.
3.3 PALM CARD “Managing Scrap Tires – What Transporters Should Know”

This palm card mainly identifies the authorized locations where scrap tires can be taken in Ohio and the requirements and process for becoming a registered scrap tire transporter in Ohio.

Helpful hints on when to hand out this document include the following scenarios:
- A business that is interested in hauling its own scrap tires;
- A business that generates scrap tires and is not using a registered scrap tire transporter or completing shipping papers.

HOW TO ORDER PALM CARDS

Ohio EPA will provide 500 palm cards (this total includes all scrap tire-related palm cards published by the Agency) at no cost to our partners. Interested partners can request the palm cards in standard or custom format. For customized orders, please provide Ohio EPA with your health district and/or SWMD logo for placement on the card. Please contact Channon Cohen at 614.728.5353 or channon.cohen@epa.ohio.gov.
Despite the progress that has been made in cleaning up open dumps since the inception of the scrap tire management program, open dumping is an ongoing problem. This template letter is designed for use by health departments, SWMDs or local law enforcement agencies to address open dumping in their jurisdictions. It serves as an introductory communication that can be sent to an individual business, a specific type of scrap tire generating business or all scrap tire generating businesses in a political jurisdiction to name a few uses. This letter should not be used for an active, non-compliance issue.

The benefits of the template letter include

• A consistent message will be provided statewide;
• The consistent message is that scrap tire generating businesses are local partners that have an obligation to prevent open dumping and comply with their scrap tire management rules. By doing so, those businesses help to reduce hazards to public health and safety as well as fire hazards.
• The letter is written in a persuasive tone to encourage a business to evaluate its compliance with applicable scrap tire regulations and then take measures to correct any deficiencies.

Helpful hints on when to use this document include the following scenarios:

• When you are experiencing a local, county or regional open dumping problem that cannot be tied to a specific business;
• When a health department or local law enforcement agency suspects a business is not using a registered scrap tire transporter but does not have concrete evidence of noncompliance.
Of all the regulations for scrap tire generators, the storage requirements for scrap tires are the most complex. To aid in understanding the storage requirements, a look-up table has been created that summarizes the scrap tire management requirements as specified in Ohio Administrative Code (OAC) Rule 3745-27-60.

### SECTION 5. SCRAP TIRE MANAGEMENT REQUIREMENTS FOR BUSINESSES TABLE

![Scrap Tire Management Requirements for Businesses Table](image)

**Helpful Hints:**

- This document is a good resource to hand out when you encounter a business that stores scrap tires outside in piles or in more than one portable container.

- All businesses can use the look-up table, but Ohio EPA recommends explaining which portions of the table apply to a business’ scrap tire storage practice.

- This table is designed to be printed on legal sized paper (8.5” x 14”).

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March 2019
Ohio EPA has published a general storage checklist for several years. This checklist encompasses all scenarios that are identified under OAC Rule 3745-27-60 (General storage and handling of scrap tires). This toolkit provides a checklist for each scenario that is addressed in the rule. The individual checklists provided are:

1. Existing General Storage Checklist (all scenarios)
2. General Storage Checklist: Indoor Storage of Scrap Tires Only
3. General Storage Checklist: Indoor Storage of Scrap Tires and One Portable Container Outside
4. General Storage Checklist: Indoor Storage of Scrap Tires and Outside Storage of Scrap Tires in Multiple Portable Containers
5. General Storage Checklist: Indoor Storage of Scrap Tires and Outside Storage of Scrap Tires in Piles
6. General Storage Checklist: Indoor Storage of Scrap Tires, Outside Storage of Scrap Tires in Piles and One Portable Storage Container
7. General Storage Checklist: Indoor Storage of Scrap Tires, Outside Storage of Scrap Tires in Piles and Outside Storage of Scrap Tires in Multiple Portable Containers

Where applicable, a checklist will contain information boxes that expand on mosquito control requirements and address specific storage requirements that may be hard to remember. The checklists are designed for an inspector to use and also for use by a scrap tire generating business for self-monitoring purposes.

The individual checklists are a good resource to use when:
- The Ohio EPA/partner already knows how the scrap tires are stored at the business and can pick the individual checklist that includes the requirements for only that scenario to perform a quicker inspection;
- The Ohio EPA/partner can provide the correct checklist to the business for self-monitoring purposes.
Shipping papers are used to document the transport of scrap tires to or from destinations in Ohio. The toolkit contains copies of Ohio EPA’s two-part and three-part shipping papers. A scrap tire transporter doesn’t have to use Ohio EPA’s shipping papers but does have to use a version that complies with the requirements specified in OAC Rule 3745-27-57.

A scrap tire generator may not be aware that
- A registered scrap tire transporter is required to complete shipping papers when it collects tires from the generator;
- Both the transporter and the generator are supposed to sign the papers;
- The transporter is supposed to leave a copy of the shipping paper with the generator;
- The generator is required to retain a copy of the shipping papers for three years;
- The generator can request that the scrap tire transporter provide a copy of the shipping papers once the scrap tires reach their destination.

The two-part shipping paper is designed for scrap tire transporters who sort the scrap tires they pick up from a scrap tire generator and deliver the sorted scrap tires to more than one destination. These destinations may include multiple used tire dealers or multiple licensed scrap tire facilities.

The three-part shipping paper is designed for transporters who take all scrap tires they collect to a single end destination. A single three-part form may document the entire movement of scrap tires by the transporter from a generator to a recipient of the scrap tires.

Ohio EPA’s shipping papers are a helpful resource to provide when you encounter the following scenario(s):
- A business that is encountering scrap tire transporters that are not requiring the business to complete shipping papers.
- A business that is not meeting the shipping paper recordkeeping requirements.
- A business that does not have shipping papers.
SECTION 8. POSTERS

This toolkit provides three posters that businesses or partners can use. All posters promote the recycling of scrap tires, however each one promotes this use for a different reason.

8.1 POSTER - SCRAP TIRE REPURPOSED

Highlighting new uses for scrap tires, this poster serves as a visual tool that shows products that are made from recycled scrap tires. Businesses can display this poster to explain that the disposal fee they charge is used to pay a registered scrap tire transporter to take the scrap tires to a scrap tire recovery facility. Scrap tire recovery facilities turn the scrap tires into new products.

8.2 POSTER - CONSEQUENCES OF OPEN DUMPING SCRAP TIRES

This poster is designed to be used by a tire business to educate customers about the consequences of open dumping and to encourage them to leave their scrap tires at the business location. The poster can be placed inside of the customer service area or scrap tire storage area of a business.
8.3 POSTER - HEALTH THREAT ASSOCIATED WITH OPEN DUMPING

This poster is designed to deter the general public from dumping scrap tires or allowing them to accumulate water. It can serve as an educational tool in
• schools,
• community events and
• recreational facilities.

Poster templates are available on the Scrap Tire webpage in size 11x17. Templates for poster sizes 12x18 and 18x24 are available upon request. **Ohio EPA will provide one hundred posters free to interested partners in size 12x18.** Please contact Channon Cohen at 614.728.5353 or channon.cohen@epa.ohio.gov. If you want your health department and/or SWMD logo to be placed on the poster, please provide Ohio EPA with that information when you request a copy of the poster template or place an order.
SECTION 9. METRICS COLLECTION

As you use the scrap tire generator toolkit, Ohio EPA requests that you collect data from each business that you visit. The metrics collected will be used in the following ways:

- Populate a database that identifies scrap tire generator business locations;
- Characterize the types of scrap tire generators encountered;
- Allow Ohio EPA to evaluate the usefulness of some of the resources in the toolkit;
- Gain a better understanding of how scrap tires are stored at scrap tire generating businesses that are not required to become registered, permitted or licensed (excluded scrap tire facilities) to evaluate the practicality of fire code specification in the rules for scrap tire generators.

A sample of the type of data that will be collected is provided below.

<table>
<thead>
<tr>
<th>BUSINESS INFORMATION</th>
<th>SERVICE</th>
<th>RESOURCES HANDED OUT</th>
<th>STORAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Name and Address</td>
<td>County</td>
<td></td>
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<td></td>
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</tbody>
</table>

Please submit your completed spreadsheet semiannually to Channon Cohen at channon.cohen@epa.ohio.gov.
While most of this toolkit is intended to provide resources that can be shared with scrap tire generators, Ohio EPA recognizes that it is likely that you (partners) will come across instances of scrap tire dumping, illegal transportation of scrap tires, and “alternative” uses of scrap tires without authorization. Because of this possibility, Ohio EPA would like to take this opportunity to provide you with some resources that may prove helpful in these situations.

The additional resources found in this section include

- Guidance Documents
  - Guidance Document #642 - What is a Scrap Tire?
  - Guidance Document #671 - Beneficial Use of Scrap Tires
  - Guidance Document #1007 - Law Enforcement Guide to Scrap Tires

- Enforcement Assistance
  - Criminal Enforcement Assistance
    - Ohio EPA’s Office of Special Investigations
    - Felony/ Misdemeanor Chart
    - Ohio Attorney General’s Office - Criminal Enforcement Assistance
  - Civil Enforcement Assistance
    - Ohio Attorney General’s Office - Civil Enforcement Assistance
    - Ohio EPA
      - Referral of Scrap Tire Cases to Ohio EPA
      - General Scrap Tire Enforcement Process

- “No-Fault” Scrap Tire Remediation Program - Assistance for Victims of Tire dumping
10.1 GUIDANCE DOCUMENTS

10.1.1 GUIDANCE DOCUMENT #642 “What Is A Scrap Tire?”

One of the most common arguments that is raised as a defense when dealing with accumulations of scrap tires is that scrap tires aren’t really scrap tires at all, rather they are “used” tires or the tires are “wanted”. This guidance document is a good resource to provide in these situations since it

* defines what a scrap tire is through answering commonly asked questions that arise concerning tires or tire-related products;
* serves as a good reference when trying to determine what is or is not a scrap tire, as there are several definitions, situations and characteristics that must be taken into consideration.

10.1.2 GUIDANCE DOCUMENT #671 “Beneficial Use of Scrap Tires”

Another common refrain that you are likely to encounter is that the scrap tires are being beneficially used. This may very well be the case as there are several beneficial uses pre-approved by rule and Ohio EPA does issue beneficial use approvals for several other scrap tire projects. However, it is also possible that the supposed beneficial use is merely a poorly disguised disposal attempt. This guidance document provides the following helpful information:

* a list of pre-approved beneficial uses for scrap tires for easy reference;
* guidance on when an authorization in accordance with OAC Rule 3745-27-78 is required prior to the beneficial use of whole, cut, and processed scrap tires;
* process related to the request to have a beneficial use project considered for approval that is not pre-approved in rule;
* scrap tire storage and transport requirements that apply to the beneficial use of scrap tires.

If someone is claiming that their tires are being beneficially used, the use must either comply with the pre-approved uses listed in Guidance Document #671, or they must have obtained a Director’s Authorization pursuant to OAC Rule 3745-27-78 and must be in compliance with all the conditions and
specifications contained in the approval. If you would like to verify if an individual has been granted an authorization you can visit the Ohio EPA, Division of Materials and Waste Management (DMWM) website at this link, Issued Actions. You may also contact Channon Cohen at channon.cohen@epa.ohio.gov for assistance in determining if an authorization has been issued.

10.1.3 GUIDANCE DOCUMENT #1007 “Law Enforcement Guide to Scrap Tires”

Did you know that if you* encounter a person transporting scrap tires under certain circumstances, the presence of a load of scrap tires is reasonable suspicion for initiating a traffic stop to verify compliance with Ohio Revised Code (ORC) 3734.83? This situation and other useful information are found in Guidance Document #1007, Ohio EPA’s Law Enforcement Guide to Scrap Tires. This guide is intended to provide information to law enforcement personnel regarding major requirements of Ohio’s scrap tire rules and laws, such as

- Open dumping;
- Open burning;
- Requirements to transport scrap tires;
- Penalties for violating the scrap tire laws

The guidance document also contains a scrap tire interview record form that is designed for law enforcement to use for gathering information that can be passed on to Ohio EPA for further investigation.

*Law enforcement officers only! Please do not attempt to pull over people transporting scrap tires if you are not authorized law enforcement officer.

10.2 ENFORCEMENT ASSISTANCE

This section is intended make our partners aware of Ohio EPA and Ohio Attorney General’s Office support available for the criminal and civil enforcement of the scrap tire laws and rules. This section is not intended to replace any local enforcement procedures and policies that are in place, or to dictate the use of Ohio EPA’s enforcement programs, but instead to provide resources for our partners to consider as deemed necessary.

Some examples of when you might want to consider reaching out for assistance would be if:

- You have observed what appears to be ongoing criminal activity and you do not have a viable local option to pursue prosecution;
- You have a scrap tire dump where the responsible party is unable or unwilling to remove the tires and a state funded tire removal action will be necessary to address the tire accumulation;
- You have been pursuing the matter locally, but efforts have stalled;
- You are a SWMD or other entity who does not have statutory authority to pursue violations of the scrap tires law and regulations.
**Criminal Enforcement Assistance**

**Ohio EPA’s Special Investigations Unit**

If you have observed what appears to be criminal activity related to scrap tires (or other environmental regulations), Ohio EPA’s Special Investigations Unit may be able to assist you. The Special Investigations Unit (SIU) is the criminal investigative branch of Ohio EPA. SIU works in partnership with other state and federal agencies to investigate activities that may criminally violate state or federal environmental laws or regulations, such as:

- illegal disposal or abandonment of waste (solid waste, hazardous waste and construction and demolition debris);
- illegal transportation of scrap tires;
- burial of waste at unpermitted locations;
- unpermitted discharges into waters of the state or to wastewater treatment plants;
- unpermitted emissions of air pollutants;
- open burning;
- bypassing treatment systems;
- filling of wetlands;
- “rip and tear” asbestos projects;
- falsification of documents such as manifests, waste receipt logs and monthly operating reports; and,
- making false statements to regulatory personnel.

Investigations by SIU may lead to enforcement against individuals or facilities. If you are unsure if the activity you witnessed is criminal in nature we suggest looking at the US Environmental Protection Agency guidance called Basic Information on Enforcement, [Basic Information on Enforcement](https://www.epa.gov/).

Though the information found in this article does not exactly mirror the civil and criminal enforcement processes at Ohio EPA, it will provide you with a basic overview of the difference between criminal and civil violations of environmental law by looking at the different legal standards, burden of proof, and consequences that are applicable when a violation is pursued criminally vs. civilly. One item to make note of is that it is possible to pursue the same violation in both a civil and a criminal capacity. For further assistance with possible criminal scrap tire activities please contact one of the SIU investigators listed below or visit the webpage, [SIU webpage](https://www.epa.ohio.gov/).

### Special Investigations Unit Contact Information

<table>
<thead>
<tr>
<th>Contact</th>
<th>Counties Served</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ken Mettler</td>
<td>Manager</td>
<td>(614) 728-1235</td>
</tr>
<tr>
<td>Rick Hassinger</td>
<td>Northwest Counties</td>
<td>(419) 373-3032</td>
</tr>
<tr>
<td>Ron Fodo</td>
<td>Northeast Counties</td>
<td>(330) 963-1155</td>
</tr>
<tr>
<td>Randy Ohlemacher</td>
<td>Southwest Counties</td>
<td>(614) 836-8767</td>
</tr>
<tr>
<td>Ron Bonner</td>
<td>Statewide</td>
<td>(614) 836-8768</td>
</tr>
<tr>
<td>Craig Kleinhenz</td>
<td>Statewide</td>
<td>(614) 836-8763</td>
</tr>
</tbody>
</table>
The scrap tire unit is occasionally contacted by approved health departments, local law enforcement agencies and local prosecutors and asked to provide information about the criminal penalty statute in relation to scrap tire violations. In response to these requests we have worked with our internal legal staff and compiled a chart. The chart identifies

- Portions of the statute related to scrap tires;
- The applicable criminal penalty section;
- A notation of the violations misdemeanor/felony status.

Please note that this chart is being provided only as a courtesy. It is not intended to be used for the purposes of criminal prosecution, but rather as a starting point for further research. Please read all applicable statutes in their entirety and consult with your local prosecutor on which provisions of the statute are applicable to your case. If you are a local prosecutor and have questions regarding the criminal prosecution of scrap tire laws, please contact Emily Simmons Tapocsi, Chief of the Ohio Attorney General’s Office of Environmental Enforcement at 614-466-2766 or Emily.Tapocsi@ohioattorneygeneral.gov

**Civil Enforcement Assistance**

**Ohio Attorney General’s Office**

If you are an approved health department, you can refer violations of ORC Sections 3734 and 3714 and rules promulgated thereunder directly to the Ohio Attorney General’s Office, Environmental Enforcement Section for enforcement. This option can be helpful in situations where you have particularly recalcitrant violator(s), board of health orders have been issued and have not been complied with, or in circumstances where your local prosecutor is unfamiliar with environmental regulations or does not have the time necessary to devote to your cases.
For approved boards of health that do not regularly refer cases to the Ohio Attorney General’s office and are not sure where to start, Ohio EPA has created templates that you may utilize to refer your case. These templates include

10.2.2 Referral Letter to the Ohio Attorney General – a letter from the Health Commissioner requesting that the Ohio Attorney General initiate civil proceedings on behalf of the health district.

10.2.3 Enforcement Referral Form: A form to help document relevant case information and organize supporting documentation so that the Attorney’s General’s Office has the information needed to pursue your case.

If you have questions regarding referring a case to the Ohio Attorney General’s office, please contact Emily Simmons Tapocsi, Chief of the Ohio Attorney General’s Office of Environmental Enforcement at 614-466-2766 or Emily.Tapocsi@ohioattorneygeneral.gov. If you have questions specifically about the referral letter or the enforcement referral form, please contact Kelly Jeter at 614-728-5337 or kelly.jeter@epa.ohio.gov

Please note: If the case involves a large scrap tire accumulation that will require a state funded clean-up, an Order from the Director of Ohio EPA will be required to access funding and to get the site on the clean-up list. In those cases, you may wish to request that Ohio EPA take over responsibility for the case as outlined below.

Ohio Environmental Protection Agency

Approved Health Districts

The open dumping of scrap tires in cases where it is unlikely that the responsible party and/or property owner will remove and properly dispose scrap tires presents a unique circumstance where Ohio EPA can assist an approved health district in enforcement. Although in most cases it is the expectation that an approved health department undertake their own enforcement action for violations of the state’s solid waste and construction and demolition debris laws within their district, the open dumping of scrap tires is a special case.

The open dumping of scrap tires is different because Ohio is fortunate that there is a statutorily mandated fund that can be used by Ohio EPA for the enforcement and clean-up of scrap tire sites across the state, provided Ohio EPA adheres to certain requirements outlined in ORC 3734.85, ORC 3734.85. Because Ohio EPA does have the ability to conduct scrap tire removal actions if the responsible party or property owner fails to do so, we encourage you to consider asking for our assistance in these cases.
If this is something that your health district is interested in, please contact Kelly Jeter at 614-728-5337 or kelly.jeter@epa.ohio.gov. Kelly will explain the process in detail, go over the documentation that Ohio EPA will need to process your case, and put you in touch with the appropriate Ohio EPA district office, DMWM representative who will work with you to compile your information into an enforcement referral.

For our SWMDs located within the jurisdiction of an approved health district please coordinate the referral of any scrap tire open dumps to Ohio EPA with your health district. Ohio EPA will not accept scrap tires referrals from SWMDs located in approved health districts without the approved health district’s consent. If you are not sure if your local health district is approved, you can check Ohio EPA’s list of approved health districts, Approved Health Districts.

Unapproved Health Districts & Solid Waste Management Districts

If you are an unapproved health district or a SWMD located within an unapproved health district and you encounter open dumping of scrap tires or any other violations of the states scrap tires laws, please alert your local Ohio EPA district office, DMWM representative so the matter can be investigated and referred for enforcement, if necessary. The general phone number to each Ohio EPA district office is provided in the table below. Please request to speak to someone in DMWM.

Ohio EPA District Office Contact Information

<table>
<thead>
<tr>
<th>District Office</th>
<th>Counties Served</th>
<th>District Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central</td>
<td>Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Morrow, Pickaway and Union</td>
<td>(614) 728-3778</td>
</tr>
<tr>
<td>Northeast</td>
<td>Ashtabula, Carroll, Columbiana, Cuyahoga, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull and Wayne</td>
<td>(330) 963-1200</td>
</tr>
<tr>
<td>Northwest</td>
<td>Allen, Ashland, Auglaize, Crawford, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Richland, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot</td>
<td>(419) 352-8461</td>
</tr>
<tr>
<td>Southeast</td>
<td>Adams, Athens, Belmont, Coshocton, Gallia, Guernsey, Harrison, Hocking, Jackson, Jefferson, Lawrence, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross, Scioto, Tuscarawas, Vinton and Washington</td>
<td>(740) 385-8501</td>
</tr>
<tr>
<td>Southwest</td>
<td>Brown, Butler, Champaign, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Logan, Miami, Montgomery, Preble, Shelby and Warren</td>
<td>(937) 285-6357</td>
</tr>
</tbody>
</table>
General Scrap Tire Enforcement Process

The process for enforcement of scrap tire open dumping cases is mostly laid out by statute in ORC 3734.85 and will be similar regardless of where the case originates (health district or Ohio EPA). It is important to remember that since Ohio EPA does have several obligations to meet under the statute before we can conduct a removal activity, a clean-up will not happen immediately upon your request for assistance. For instance, in enforcement orders issued under ORC 3734.85, Ohio EPA is required to issue orders that allow the responsible party (or the property owner if different) 120 days to remove the scrap tires and then Ohio EPA must document noncompliance with the orders and be granted access to enter the property to conduct a removal action.

Because there is this extended waiting period between the initiation of an enforcement case and the removal of scrap tires from the property, we suggest that you contact Ohio EPA about scrap tire open dumping as soon as it becomes obvious that the responsible party and/or property owner cannot or will not remove and properly dispose of the tires. To help you get a better idea of the general scrap tire enforcement process we have provided an outline below, but for more details please contact Kelly Jeter at 614-728-5337 or kelly.jeter@epa.ohio.gov.

Procedure for Scrap Tire Enforcement Actions

1. The Ohio EPA, DMWM, district office inspector (Ohio EPA inspector) will conduct an inspection of the property on which the scrap tires are located. Upon confirmation that scrap tires have been open dumped, the Ohio EPA inspector will issue a Notice of Violation (NOV) to the responsible party and the property owner (if different from the responsible party).

2. The Ohio EPA inspector will monitor progress at the site. Any violations that exist longer than 45 days after the issuance of the NOV will be flagged and elevated to a watch list at DMWM - Central Office (Central Office) for evaluation. If the scrap tires are not removed or are not being removed quickly enough, Central Office, in consort with Ohio EPA district office management will request that the Ohio EPA inspector put together an enforcement referral and transmit it to Central Office.

   NOTE: For cases coming to us from approved health districts, the initial monitoring period will be waived if the health district has already issued their own NOV and the parties have not been responsive. The monitoring period may also be waived at Ohio EPA’s discretion. An example of when Ohio EPA may choose to waive the monitoring period would be if the tire accumulation poses an imminent and substantial threat to human health such as a large accumulation of scrap tires near a sensitive subpopulation with the presence of confirmed disease carrying mosquitoes onsite.

3. Once the enforcement referral is received by Central Office, it will be reviewed and in almost all cases, Ohio EPA will draft scrap tire abatement orders (“Orders”) that are issued under ORC 3734.85. These Orders can either be consensual in nature if the owner might be willing to work with Ohio EPA or issued unilaterally. In both cases, Ohio EPA is required to give the responsible party and/or property owner 120 days to remove the scrap tire accumulation. If other violations exist on the property such as open dumping of solid waste or illegal disposal of C&DD, these violations will also be addressed in the Orders.
4. Following the issuance of the Orders, the Ohio EPA inspector will monitor compliance with the orders and issue NOVs as necessary.

5. If, at the end of the 120-day period the responsible party and/or property owner has failed to remove the tires, an additional inspection is conducted to document noncompliance.

6. Once noncompliance has been documented, there are two separate paths to tire remediation:
   a. The property owner has either agreed in the consensual orders, or agrees in a separate access agreement, to let Ohio EPA on the property to remove the tires, and consents to a lien being placed on the property; or
   b. The owner does not allow Ohio EPA access, and Ohio EPA refers the case to the Ohio Attorney General's office (AGO) and ask that the AGO seek an Administrative Warrant from the local court to allow Ohio EPA access to the site to remove the tires.

   Please Note: For cases referred from approved health districts, Ohio EPA may request that the health district inspector be present at the Warrant Hearing to assist in answering any questions the Judge may have about the case.

7. Once Ohio EPA has secured access to the property, the property will be placed on the clean-up list and Ohio EPA will work with its contractors to get a cost estimate for the removal and as budget allows, will issue a notice to proceed to our contractors for a removal action to commence.

8. Upon completion of the scrap tire removal and receipt of all invoices for the removal action, Ohio EPA will file a lien upon the property from which the tires were removed for the cost of the removal action.

10.3 “NO-FAULT” SCRAP TIRE REMEDIATION PROGRAM - ASSISTANCE FOR VICTIMS OF TIRE DUMPING

Not every accumulation of scrap tires is cause for an enforcement action. Ohio EPA is aware that private landowners and even local governments can fall victim to illegal tire dumping and are often left with scrap tires that need to be removed. If this has happened to you or your community, Ohio EPA may be able to help through our scrap tire cleanup program dedicated to assisting victims of illegal tire dumping. This program was originally created in 1993 along with Ohio's scrap tire laws when the Ohio General Assembly included a provision in the statute that allowed state-funded cleanups of small tire piles (100 to 2,000 tires) provided that six specific conditions were met (ORC 3734.85(E)). Based on Ohio EPA’s experience with these sites, in 2012, the Agency requested and was granted an increase in the number of tires eligible for the program. Currently the program is open to sites that contain 100 to 5,000 tires per site.

This state-funded scrap tire cleanup program is available to both private and public-sector applicants, however, not all scrap tire sites qualify under this program. Specific conditions spelled out by statute limit eligible sites to parcels with tires that were acquired through estates by bequeath or devise, and to parcels where the current property owner is a victim of scrap tire open dumping and no responsible party has been identified. In either case, the applicants for the no-fault cleanups must certify that no financial benefit was received from the tires being placed on the parcel.

The number of tires on any parcel must not be less than 100 tires or more than 5,000 tires. The scrap tires may be any size and may be either un-mounted or on rims. Solid wastes may also be removed from those
parcels where the scrap tires are commingled with other solid wastes and thereby necessitate the removal of other wastes in order to access the scrap tires.

This scrap tire remediation program has also been used to financially assist many county and local governmental entities by using state contractors to remove and dispose of open dumped tires which have been picked up by road crews and/or volunteers from public roadways and alley rights-of-way and during river sweeps. Local governments often store the discarded scrap tires at temporary collection points. At some locations, cleanup costs have been reduced by land owners’ efforts to collect and stack tires for pick-up at convenient access points for state contractors and by the use of “community service” and inmate labor to assist the loading of scrap tires into trailers or roll-off containers.

Ohio EPA accepts applications for this program all year long, and it is Ohio EPA’s goal to move approved sites through the process as quickly as possible. However, all remediation activities are subject to having sufficient funding to cover the cost of removal activities. Our funding is allocated on the State Fiscal Year which begins July 1 and runs through June 30. Applications received toward the end of the fiscal year, or during peak submittal periods may encounter substantial wait times before clean up can commence. In periods of high volume or reduced funding, sites on the clean-up list will be addressed according to the threat they pose to the local communities with sites near sensitive subpopulations or in highly populated areas receiving preference. Applications are available on Ohio EPA’s webpage with links provided below.

10.3.1 “No Fault” Application for Citizens and Businesses, Application for Citizens and Businesses.

10.3.2 “No Fault” Application for Counties and Local Governments, Application for Counties and Local Governments.

Again, it is important to reiterate that it is Ohio EPA’s goal to move each qualified site through the program as quickly as possible and the Agency will do all that can to get to the sites on the list in a timely manner. The possibility of a potential wait prior to a scrap tire clean up should not deter you from applying for the program, if eligible. You may contact Ohio EPA DMWM at any time to inquire about the status of the cleanup.

If you are interested in applying for this program or just want more information, please contact Kelly Jeter at 614-728-5337 or kelly.jeter@epa.ohio.gov.

Ohio EPA has designed two palm cards to advertise this program.

10.3.3 PALM CARD “Community Solutions for Scrap Tire Cleanup and Removal”

This palm card serves as an introduction to Ohio EPA’s “no fault” program for local governments. The information briefly explains
- typical scenarios when local government finds abandoned scrap tires;
- how this program can be factored in as a financial aid to a potentially expensive local problem.
10.3.4 PALM CARD “Are you a victim of scrap tire dumping?”

This palm card serves as an introduction to Ohio EPA’s “no fault” program for private landowners and businesses. The focus is to make people aware of the “no fault” program and that Ohio EPA should be contacted to determine eligibility.

HOW TO ORDER PALM CARDS

Ohio EPA will provide 500 palm cards (this total includes all scrap tire-related palm cards published by the Agency) at no cost to our partners. Interested partners can request the palm cards in standard or custom format. For customized orders, please provide Ohio EPA with your health district and/or solid waste management district logo for placement on the card. Please contact Channon Cohen at 614.728.5353 or channon.cohen@epa.ohio.gov.
This Scrap Tire Toolkit is intended to be a living document and updated on a regular basis as Ohio EPA receives input and resources from our partners, new rules and guidance documents are issued, and as contacts within the document change. To make sure you have the latest information, you are encouraged to sign up for the Scrap Tire Listserv.

**SCRAP TIRE LISTSERV**

The Scrap Tire Listserv was originally created to provide information on Ohio EPA rule updates related to scrap tires; however, it has been expanded to push out any new scrap tire news, whether it is rule updates, new fact sheets, resources for clean projects or documents related to the toolkit. Ohio EPA highly recommends signing up to be on this listserv.

Following are instructions on how to sign up for the Scrap Tire Listserv:

To sign up, an account must be created. Please ctrl click HERE to start the process.

Once an account is created, all the subscription options will show up. Click on the “subscription” accordion and scroll down to find DMWM’s (labeled “Solid Wastes, Compost, C&DD, Scrap Tries”).

After clicking “subscribe,” save the changes to complete the process. Once registered for the Scrap Tire Listserv, you will receive emails whenever our rules move to a next step in the process, or if there is a program update that the division wants to broadcast.
To find the toolkit on Ohio EPA’s webpage, you can Ctrl click on this link, [https://epa.ohio.gov/dmwm/](https://epa.ohio.gov/dmwm/), or type in the address at the address bar. The following page should come up:

Go to the pulldown menu at “DMWM SITE LINKS” (see red arrow) to search for the phrase “Scrap Tires”. Once you have selected “Scrap Tires”, click “Go”. The Scrap Tire webpage will come up.
As you scroll down this page, there will be a series of tabs that provide information about the scrap tire program. One of these tabs is called the Scrap Tire Toolkit (see red arrow).

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<thead>
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<tbody>
<tr>
<td>Collection, Storage and Disposal Facilities</td>
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<tr>
<td>Scrap Tire Recovery Facilities</td>
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<tr>
<td>Beneficial Use</td>
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<tr>
<td>Disposal</td>
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<td>Open Dump Cleanup</td>
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</tbody>
</table>

- Scrap Tire Generator Toolkit Manual
- Guidance Documents
- PALM CARD “Managing scrap Tires – What everyone should know”
- PALM CARD “Managing Scrap Tires – What Retailers Should Know”
- PALM CARD “Managing Scrap Tires – What Transporters Should Know”
- Template Letter for Retail Tire Businesses
- Scrap Tire Management Requirements for Businesses Table
- Inspection Checklists
- 2-part Shipping Papers
- 3-part Shipping Papers
- Poster RepurposedTire_11x17
- Poster TireStore_HealthConsequences_11x17
- Poster HealthConsequences_11x17
- Metrics Collection Sheet
- Referral Letter to Ohio Attorney General
- Enforcement Referral Form
- No Fault Application for Citizens and Businesses
- No Fault Application for Counties and Local Governments
- PALM CARD “Community Solutions for Scrap Tire Cleanup and Removal”
- PALM CARD “Are you a victim of scrap tire dumping?”
The resources that make up the toolkit are listed under this tab.

The easiest way to find a resource is to click on it in the body of the Scrap Tire Generator Toolkit Manual. If you click on the images for documents throughout the narrative of the toolkit, you will be taken directly to the resource, except for the inspection checklists. Clicking on the inspection checklist image will take you to DMWM’s Forms page where the inspection checklists are maintained under the Scrap Tire Toolkit tab.

It is also important to mention that there is an existing tab for scrap tire related guidance documents on the Scrap Tire webpage. As a result, when you click on guidance documents under the Scrap Tire Generator Toolkit tab, you will be redirected to the Guidance Document tab where you will have to look for the guidance document of interest.

Similarly, clicking on the inspection checklists will take you to DMWM’s Forms page where the inspection checklists are maintained under the Scrap Tire Toolkit tab.