Dear Tire Retailer:

As the [board of health, solid waste management district, or local law enforcement] in your vicinity, we want to make you aware of a problem we are having with open dumped scrap tires in [county, city, township, village]. We consider this a local problem that requires a local solution. As a local partner, you can be most helpful by implementing the measures identified below and being aware of your legal obligations related to proper scrap tire management.

*Measures to Reduce Open Dumping*

If you are storing scrap tires outside, limit access to the scrap tires by some physical barrier or secure the scrap tires to a structure with a chain or cable. Additionally, while you are not required to use a registered scrap tire transporter when loads of ten or less scrap tires are removed from your business, it is recommended that you use a registered scrap tire transporter at all times. Registered scrap tire transporters are required to have financial assurance which may reduce the likelihood they would open dump scrap tires.

We are aware of a practice in which some illegal scrap tire haulers are picking up scrap tires from businesses, selling the tires that can be sold as used tires or retreadable casings and open dumping the rest of the scrap tires instead of taking them to an approved scrap tire facility. The open dumped scrap tires are cleaned up causing [municipalities, townships, villages] and private property owners increased cost to collect and dispose of them.

By using a non-registered scrap tire transporter, a scrap tire generator may be liable for any costs associated with the illegal dumping of the tires.

Ohio Revised Code (ORC) 3734.83 (C) states: “Except as provided in division (D) of this section, no person who possesses scrap tires shall cause them to be transported by any person who is not registered as a transporter under this section.” The penalty section of the ORC Chapter 3734.99 also states that “whoever recklessly violates any section of this chapter governing scrap tires, is guilty of a felony and shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both.”

*Proper Scrap Tire Management*

As a retailer of new and used tires, you are also a generator of scrap tires. The Ohio Environmental Protection Agency (Ohio EPA) has established rules for scrap tire generators. These rules primarily address proper storage, handling, transporting and recordkeeping for scrap tires. Some of the requirements include:

* keep scrap tires dry or apply a pesticide/larvicide to scrap tires to prevent mosquitos from breeding
* only use a registered scrap tire transporter to remove scrap tires from your business
* complete shipping papers when scrap tires are removed from your business;
* maintain scrap tire shipping paper records for a minimum of three years

There are several documents available to you as a scrap tire generator to aid you in understanding your requirements. Scrap Tire Guidance Documents and a list of registered scrap tire transporters can be found at Ohio EPA’s website by following this link: <http://epa.ohio.gov/dmwm/Home/ScrapTires.aspx>

Your involvement in preventing open dumping of scrap tires and commitment to follow Ohio EPA’s scrap tire management rules are necessary to reduce a hazard to public health or safety or fire hazard. If you have questions about the rules applicable to you or any other questions related to scrap tire management, please contact Ohio EPA’s Scrap Tire Unit at 614.644.2621.