



## Guidance Document #1007

# Law Enforcement Guide to Scrap Tires

### Purpose

The purpose of this guide is to provide information to law enforcement personnel regarding major requirements of Ohio's scrap tire rules and laws. However, it is only a guide and the appropriate sections of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) should be read in their entirety and Ohio EPA staff consulted whenever a question arises.

Scrap tires are improperly handled every day in Ohio for a variety of economic benefits, past practices and out of ignorance of Ohio's laws and regulations. Private citizens open dump tires to avoid paying for disposal; tire stores contract with illegal haulers to remove their scrap tires; and employees of legitimate tire-hauling services may attempt to make extra income by picking up loads of scrap tires, dumping the scrap tires and profiting from the disposal fees.

Ohio EPA's enforcement efforts are aimed at reducing the illegal handling and disposal of scrap tires, including illegal open dumping and open burning of scrap tires.

Illegally open dumping scrap tires creates a nuisance that obstructs the natural beauty of Ohio's landscape and can accumulate water and create a breeding ground for mosquitoes that transmit a variety of diseases to people and animals. Illegally open burning scrap tires can create immediate health hazards to persons with breathing problems.

### Applicable Rules and Statutes

- Ohio Revised Code Chapter 3734
- Ohio Administrative Code 3745-27-57

### Are scrap tires considered a solid waste?

Yes. The definition of a solid waste found in ORC 3734.01 specifically includes scrap tires. A scrap tire is defined in ORC 3734.01 as an unwanted or discarded tire.

### What should I do if I observe a vehicle with a load of scrap tires?

If you encounter a person transporting scrap tires, the presence of a load of scrap tires is reasonable suspicion for initiating a traffic stop for the purpose of verifying compliance with ORC 3734.83. The investigating officer must weigh the circumstances to determine whether sufficient objective facts exist to create reasonable suspicion that the driver is illegally transporting scrap tires. Objective facts may include, but are not limited to, transporting more than 10 tires in a vehicle failing to display a company placard/insignia, transporting tires during atypical business hours (late at night, early in the morning) or travelling outside of traditional transportation routes (residential alleys, country roadways).

On the last page of this guidance document is an interview record that can be used to gather information relevant to the investigation, administrative or civil enforcement, and criminal prosecution of violations of the scrap tire transportation law. Once completed, the form should be faxed to the appropriate Ohio EPA District Office for follow up.

### Who must use scrap tire shipping papers?

Ohio's scrap tire program includes a system for monitoring the flow of scrap tires within, into and out of the state. Ohio EPA requires scrap tire shipping papers designed to account for scrap tires from their original point of generation to their ultimate destination, such as approved storage, recovery or disposal facilities or approved beneficial use sites. The shipping paper rules can be found in OAC Rule 3745-27-57. Please see the Ohio EPA guidance document (GD), "Scrap Tire Shipping Papers," GD #639, at [epa.ohio.gov/portals/34/document/guidance/gd\\_639.pdf](http://epa.ohio.gov/portals/34/document/guidance/gd_639.pdf) for more information.

### Enforcement at a Glance

- A load of more than 10 scrap tires may require investigation.
- Most haulers should have a transporter registration certificate from Ohio EPA.
- A registration certificate that is imprinted with "VOID" is a red flag.
- A legitimate hauler should have scrap tire shipping papers.
- Burning scrap tires is illegal.
- Open dumping of scrap tires is illegal.



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prosecuted as a felony offense in Ohio with a fine of at least \$10,000 but not more than \$25,000, or imprisonment for at least two years, but not more than four years, or both.

### Contact

If you have questions regarding this document or would like more information, please contact the Scrap Tire Unit located in the Division of Materials and Waste Management at (614) 644-2621.

Central District Office (614) 728-3778

Southeast District Office (740) 385-8501

Northeast District Office (330) 963-1200

Southwest District Office (937) 285-6357

Northwest District Office (419) 352-8461

### Disclaimer

The procedures set out in this document are intended solely for guidance. The procedures are not intended and cannot be relied upon to create rights, substantive or procedural, enforceable by any party against Ohio EPA. While this guidance document is not legally binding, all statutes and rules referenced herein are binding and enforceable. Ohio EPA reserves the right to vary this guidance or to change it at any time without public notice and also reserves the right to deviate from this guidance on a case-by-case basis.



# Scrap Tire Interview Record

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Route to the Division of Materials and Waste Management supervisor

## Driver Information

Full Name:					
Driver's License Number:				State:	
Home Address:					
City:		State:		Zip:	-

## Vehicle Information

Year:		Make:		Model:		Color:	
Distinguishing marks, logos, etc.							
Registration (state/number):							

## Scrap Tire Information

Is the driver a registered scrap tire transporter with Ohio EPA?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was the registration form presented by the driver?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Was it an original registration certificate (embossed)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Name on the scrap tire transporter registration form:		
Certificate number listed on the registration form:		
Expiration date of the registration:	/ /	
Did the transporter have shipping papers to accompany the load of scrap tires?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Approximate number of tires in the vehicle:		
Where did the scrap tires come from?		
Where are they being taken?		
How much is the driver being paid to transport the scrap tires?		
How was the driver paid (cash, check)?		
Has the driver hauled tires for this person/company before?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, how often/how many times?		
Where were the previous loads taken for disposal?		
Where can the disposal receipts be inspected?		

## Law Enforcement Officer's Information

Officer Name:				Agency:		
Unit Number:		Cell Phone:	( ) -	Office Phone:	( ) -	
Photos taken of vehicle/dump site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No		Dash cam video?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Date of traffic stop/interview:	/ /	Location:				
Other charges filed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Nature:			
Date submitted to Ohio EPA district office:	/ /					