

Ohio's Scrap Tire Cleanup Program

PURPOSE

This educational guideline provides information on Ohio's scrap tire cleanup program and is intended to provide readers an understanding of the process to clean up scrap tire sites. However, it is only a guide and the appropriate sections of the Ohio Revised Code should be read in their entirety.

APPLICABLE RULES/STATUTES

Ohio Revised Code 3734

WHY DOES OHIO HAVE A SCRAP TIRE CLEANUP PROGRAM?

Each year, more than 12 million scrap tires are generated in Ohio. While many of these tires are recycled or properly disposed, some end up in stockpiles or in illegal dumps around the state. Currently, it is estimated that more than 43 million tires have been removed from stockpiles or illegal dumps in Ohio since 1996. An estimated 5 million scrap tires remain in illegal dumps in Ohio. These open dumps create many hazards to public health and the environment, two of which are of particular concern. First, tire dumps can spawn dangerous fires that produce toxic smoke and oils. Second, tire piles are prime breeding grounds for mosquitoes that can carry dangerous diseases such as West Nile Virus and encephalitis. To address growing concerns over illegal dumping of scrap tires and large tire stockpiles, the Ohio legislature passed a bill in 1993 to regulate scrap tires. In response to this law, Ohio EPA created rules designed to track scrap tires from the time they are generated until they are properly recycled, reused, or disposed.

Abandoned scrap tires can pose a serious threat to the environment and public health because of the potential for fire, and because

tires hold water that serves as an ideal breeding ground for disease-carrying mosquitoes. Property owners, local governments and state agencies have all experienced the economic nuisance of having to pay to collect and properly dispose of scrap tires that were illegally dumped along roadsides, streambeds, parks, and natural areas. For years, illegal tire dumpers have undermined the efforts of legitimate recyclers and transporters to properly process scrap tires.

Through the combined efforts of local and state governments and the private sector, scrap tire stockpiles in Ohio are being cleaned up.

OHIO'S SCRAP TIRE LAW AND OHIO'S SCRAP TIRE FEE

Ohio law gives Ohio EPA authority to regulate scrap tires until they are properly disposed, recycled into another product, or converted into energy. This comprehensive regulatory program governs the transportation, collection, storage, recycling, and disposal of scrap tires. A shipping paper system and registration of transporters and facility operators makes it easier for tire dealers, automotive repair shops, gas stations, salvage dealers and other businesses that generate scrap tires to know that they are dealing with legitimate scrap tire businesses rather than illegal dumpers. The law also provides funding for the state to clean up some abandoned scrap tire piles, and enhanced authority for Ohio EPA, local health departments, and law enforcement officials to have the responsible parties clean up the tires.

HOW CAN SCRAP TIRE PILES BE CLEANED UP?

(1) Locally-funded cleanups

Recognizing that state funding will not be available to address all the existing scrap tire

Ohio's Scrap Tire Cleanup Program

piles, some local solid waste management districts have been very proactive in funding cleanup of local dump sites that pose an immediate public health or fire concern. A number of solid waste districts provide tire collection programs to their residents to deter dumping, and help to fund and organize roadside and stream bank cleanup events.

(2) Enforcement efforts

The prime focus of the scrap tire regulatory program is to assist regulated entities in complying with the law and regulations. When these efforts fail, however, the law allows local health department and Ohio EPA inspectors to have the person responsible for the tire pile clean it up. They can work with local law enforcement officials, prosecutors and the Ohio Attorney General, seeking either civil or criminal penalties, as is appropriate to the case and the case's circumstances. Criminal convictions for tire dumping and failure to clean up tire piles have resulted in jail sentences in a number of cases. Some local solid waste management districts have also been able to provide funding for full-time law enforcement personnel dedicated to littering and open dumping cases, and hotlines for callers to report illegal dumping. These programs are important for responding to and deterring illegal tire dumping in those areas.

(3) Ohio's Scrap Tire Management Fund

Ohio's 1993 scrap tire law established funding to cover tire removal actions. This enabled the State to address the large tire piles constituting the most serious threats to public health and the environment. The law set a preference for Ohio EPA to send tires removed under the state-funded cleanup program to tire recovery facilities for recycling, rather than to scrap tire monofills or monocells for disposal. This program is funded by a state fee of one dollar per tire on the sale of new tires. This fee generates approximately \$7 million per year.

The fee provides \$1 million per year to be awarded as grants for the purpose of

supporting market development activities for scrap tires. The grants are awarded by the Ohio Department of Natural Resources (ODNR), Division of Recycling and Litter Prevention in amounts ranging from \$25,000 to \$350,000. Pre-application information and guidelines are available at ODNR's web site, <http://www.dnr.state.oh.us/Home/Grants/2006ScrapTireGrants/tabid/15349/Default.aspx>. The balance, approximately \$6 million, is used to fund inspections and enforcement of the regulations and cleanup of scrap tire dump sites. The fee is scheduled to sunset in 2011.

ARE ANY STATE FUNDED CLEANUPS DONE WITHOUT COST RECOVERY FROM THE PROPERTY OWNER?

Yes. The law provides for cleanups of 2,000 tires or less if all the conditions listed in the law are met. Basically, it applies in two instances: (1) property that someone has inherited which had tires on it at the time it was inherited, and (2) victims of open dumping who had no knowledge of the open dumping and did not profit in any way from the open dumping. A consensual agreement form has been developed by Ohio EPA and can be found on Ohio EPA's web site. The property owner must complete this form, have it notarized, and submit it to Ohio EPA. Cleanups will take place based on the availability of funds and the priority assigned to other cleanup projects based on their threat to public health and safety and the environment.

HOW DOES THE STATE-FUNDED CLEANUP PROCESS WORK?

The law requires Ohio EPA to make diligent efforts to have the responsible party clean up the site before spending any State funds for cleanup. Under the procedure established in the law, Ohio EPA or the local health department must first identify the responsible party, and issue orders to them to remove the tires. The party responsible for the tire accumulation has 120 days to undertake

Ohio's Scrap Tire Cleanup Program

cleanup efforts. If no action is taken, Ohio EPA may use state funding to remove the tires, and must then pursue legal action to recover the cost of the cleanup. If the responsible party fails to pay the full cost of the cleanup, a lien may be placed against the property.

Ohio EPA uses a standard public bid process to contract with scrap tire recovery facilities and disposal facilities for removal and proper management of the scrap tires.

Currently, it is estimated that more than 43 million tires have been removed from stockpiles or illegal dumps in Ohio since 1996. An estimated 5 million scrap tires remain in illegal dumps in Ohio. State-financed cleanup programs must continue to be enhanced with a number of other funding and enforcement mechanisms such as those outlined above. Local resources will still be needed to clean up many of the smaller abandoned scrap tire piles in the state. Local officials attempting to address these problems can expect assistance from Ohio EPA and the State Attorney General's Office in enforcement efforts aimed at pursuing responsible parties.

WHAT CAN BE DONE TO REDUCE THE OPEN DUMPING OF SCRAP TIRES?

Local efforts to inspect generators of scrap tires, such as; tire retailers, garages, trucking firms, etc., and to confirm their use of registered scrap tire transporters and scrap tire shipping papers can reduce open dumping. If illegal transporters can't get scrap tires, they won't be able to illegally dump the scrap tires. Often illegal transporters claim to be transporting only used tires or retreadable casings and not scrap tires. The scrap tire rules clearly state that used tires and retreadable casings are scrap tires. Retreadable casings are only exempt from the definition of scrap tires while they are stored at a tire retreading business after the casings have been inspected and marked.

Ohio EPA has successfully prosecuted illegal scrap tire transporters, but Ohio EPA has a

limited number of people to pursue a wide range of environmental crimes. Local enforcement and prosecution is needed to eliminate illegal scrap tire transporters and their open dumping of scrap tires.

Report open dumping of scrap tires to any of the numbers below or to Ohio EPA's toll free Scrap Tire Hotline, 877-372-2621.

POINT OF CONTACT

Northeast District Office DSIWM Supervisor at
Twinsburg: 330-963-1200

Northwest District Office DSIWM Supervisor at
Bowling Green: 419-352-8461

Central District Office DSIWM Supervisor at
Columbus: 614-728-3778

Southeast District Office DSIWM Supervisor at
Logan: 740-385-8501

Southwest District Office DSIWM Supervisor at
Dayton: 937-285-6357

Central Office-Scrap Tire Unit at Columbus:
614-644-2621

DISCLAIMER

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