
Law Enforcement Guide to Scrap Tires

Background and 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 Tire Enforcement at a Glance

- ✓ A load of 10 or more scrap tires may be suspicious.
- ✓ Most haulers should have a transporter registration certificate from Ohio EPA.
- ✓ A legitimate hauler should have scrap tire shipping papers.
- ✓ Burning scrap tires is illegal.
- ✓ Open dumping of scrap tires is illegal.

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.

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 www.epa.ohio.gov/portals/34/document/guidance/gd_639.pdf for further information.

Law Enforcement Guide to Scrap Tires

Shipping papers are to be used by all of the following:

1. all registered scrap tire transporters;
2. all licensed owners or operators of scrap tire facilities;
3. transporters who are not required to be registered; and
4. all generators (tire retailers) of scrap tires.

Who is required to register with Ohio EPA?

ORC Section 3734.83(A) requires that "...no person shall transport scrap tires anywhere in this state unless the business or governmental entity that employs the person first registers with and obtains a registration certificate from the director of environmental protection..."

Note: An original registration certificate will have a raised seal embossed to the left of the Director's signature.

Section 3734.83(D) lists exceptions to the above cited prohibition to the transportation of scrap tires without a registration. Specifically the following activities do not require registration as a scrap tire transporter:

- any person who transports 10 or fewer scrap tires in a single load;
- any person who transports scrap tires for his own use in agriculture or in producing or processing aggregates;
- if the transporter is a solid waste hauler who transports 10 or fewer tires which are incidental to the solid waste load;
- any person who is engaged primarily in the retail sale of tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers and who transports 25 or fewer whole scrap tires in a single load.

See "Standards and Requirements for Scrap Tire Transporters, GD # 640, for a complete list of exemptions (www.epa.ohio.gov/portals/34/document/guidance/gd_640.pdf).

What should I do if I find someone dumping or burning scrap tires?

Report the site to the appropriate Ohio EPA district office. Contact information is provided at the end of this document.

ORC 3734.03 states, "No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection..." Scrap tires are considered a solid waste in Ohio.

Open burning and open dumping are defined in the ORC 3734.01 as:

"Open burning" means the burning of solid wastes [scrap tires] in an open area or burning of solid wastes [scrap tires] in a type of chamber or vessel that is not approved or authorized . . .

"Open dumping" means the depositing of solid wastes [scrap tires] into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the (5), (7), or (10) of section 3734.85 of the Revised Code.



Law Enforcement Guide to Scrap Tires

What are the penalties for violating the scrap tire laws?

Depending on the circumstances, Ohio EPA may pursue administrative and civil enforcement for violations of the scrap tire laws and rules. In more egregious situations, criminal prosecution may be considered by Agency staff or local law enforcement officers and prosecutors. Law enforcement officers are encouraged to contact the Ohio EPA district office with regulatory responsibility for their county to determine the appropriate enforcement strategy for violations of the scrap tire laws.

The penalties for violating any section of the Ohio Revised Code relative to the handling and storage of scrap tires are listed in ORC section 3734.99. Transporting scrap tires without being registered, open burning and open dumping may be 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.

Applicable Rules/Statutes

Ohio Revised Code Chapter 3734

Ohio Administrative Code 3745-27-57

Disclaimer

The information provided in this document is 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.

Points of Contact at Ohio EPA

Questions regarding the scrap tire laws and rules may be directed to the Division of Materials and Waste Management (DMWM) supervisor in each District Office or the Central Office Solid Waste Compliance and Inspection Support Unit in Columbus.



Northeast District Office (Twinsburg):
(800) 686-6330 or Fax (330) 487-0769

Northwest District Office (Bowling Green):
(800) 686-6930 or Fax (419) 352-8468

Central District Office (Columbus):
(800) 686-2330 or Fax (614) 728-3898

Southeast District Office (Logan):
(800) 686-7330 or Fax (740) 385-8490

Southwest District Office (Dayton):
(800) 686-8930 or Fax (937) 285-6249

Central Office (Columbus)
Solid Waste Compliance and Inspection Support
(614) 644-2621 or Fax (614) 728-5315

Scrap Tire Interview Record

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? **Yes / No**
Was the registration form presented by the driver? **Yes / No**
Was it an original registration certificate (embossed)? **Yes / 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? **Yes / 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? **Yes / No**
If yes, how often/how many times? _____
Where were the previous loads of tires 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? **Yes / No** Dash Cam Video? **Yes / No**
Date of Traffic Stop/Interview: _____ Location: _____
Other Charges Filed? **Yes / No** Nature: _____
Date Faxed to Ohio EPA District Office: _____