
Class I and Class II Scrap Tire Recovery Facilities

PURPOSE

This educational guideline addresses owner and operator responsibilities when registering and operating a scrap tire recovery facility in Ohio and is intended to guide readers through some of the major requirements of the scrap tire rules. However, it is only a guide and the appropriate sections of the Ohio Administrative Code should be read in their entirety.

APPLICABLE RULES/STATUTES

Ohio Revised Code 3734
Ohio Administrative Code 3745-27-61
Ohio Administrative Code 3745-27-62
Ohio Administrative Code 3745-27-65
Ohio Administrative Code 3745-27-66

WHAT ARE THE DIFFERENT TYPES OF SCRAP TIRE RECOVERY FACILITIES?

Scrap tire recovery facilities are defined in rule 3745-27-01 of the Ohio Administrative Code as any facility used for processing scrap tires for the purpose of extracting or producing useable products, materials, or energy from the scrap tires. All scrap tire recovery facilities are designated as a Class I, Class II, or a mobile scrap tire recovery facility. Both Class I and Class II scrap tire recovery facilities have one permanent operating location in Ohio for scrap tire processing.

Whether a facility is designated as a Class I or a Class II scrap tire recovery facility depends on each facility's daily designed daily processing rate. This daily processing rate or amount is known as a facility's Daily Designed Input Capacity or its DDIC. Class II scrap tire recovery facilities are the smaller and most common type of the two classes. Class II scrap tire recovery facilities can process 199 tons of scrap tires or less per day. Class I scrap tire recovery facilities process 200 tons or more per

day. The rate of scrap tire processing or DDIC is initially an estimate of the facility's capacity to process tires. An operating facility can update its DDIC to an average DDIC value based on the facility's past operation.

If a company does not have a permanent scrap tire recovery facility in Ohio and wants to operate portable equipment in Ohio to produce useable material such as tire derived fuel or tire derived chips, the company needs to submit a registration and obtain a license as a mobile scrap tire recovery facility. See GD#641-Mobile Scrap Tire Recovery Facilities and Ohio Administrative Code Rule 3745-27-67 for more information regarding mobile facility requirements, limitations, and allowances.

ARE OTHER AUTHORIZATIONS REQUIRED FOR SCRAP TIRE RECOVERY FACILITIES?

Depending on the design of each facility's processing machinery, water or air discharges from the facility may be subject to permitting requirements of other Ohio EPA divisions. All new registration or permit applicants are required to contact Ohio EPA's Division of Air Pollution Control and Division of Surface Water to request a determination of whether additional permits are also required before initiating operations.

Depending on the specific location of each proposed recovery facility, local zoning and/or building codes may also apply. Contact local authorities to determine if other limitations apply or if other local permits are required.

IS A FACILITY THAT BURNS SCRAP TIRES FOR FUEL A SCRAP TIRE RECOVERY FACILITY?

The answer depends on the type of tire material received by the facility and other materials being used as fuel as displayed in the following table:

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Tire material	Fuel Sources			Permits Required In Addition to an Air Permit
	Conventional Fuel	Solid Waste	Infectious Waste	
Any form	No	No	No	Scrap Tire Recovery Facility
Whole	Yes	No	No	Scrap Tire Recovery Facility
Pieces > TDF*	Yes	No	No	Scrap Tire Recovery Facility
TDF*	Yes < 50% **	No	No	Scrap Tire Recovery Facility
TDF*	Yes > 50% **	No	No	Air Permit Only
Any form	Yes or No	Yes	No	Solid Waste Incinerator or Solid Waste Energy Recovery Facility
Any form	Yes or No	Yes or No	Yes	Infectious Waste Incinerator

* TDF = Tire Derived Fuel as defined in Ohio Administrative Code 3745-27-01.

** Less than (<) or greater than (>) 50 per cent of the total BTU value of all the fuel.

CAN A LICENSED SCRAP TIRE RECOVERY FACILITY PROCESS TIRES AT OTHER LOCATIONS?

Yes. If properly authorized, licensed Class I or Class II scrap tire recovery facilities may process scrap tires at remote locations, such as cleanup locations, without a separate mobile scrap tire recovery facility registration and license. Operation of portable equipment must be properly authorized in the scrap tire recovery facility's registration or permit. In those instances, authorized portable processing equipment can operate in accordance with Ohio Administrative Code Rule 3745-27-65(N) at sites for up to 60 days at each location.

Prior to mobilizing to remote locations, currently licensed Class II or Class I scrap tire recovery facilities must modify their registration or permit and the required additional amount of financial assurance must be submitted to and accepted by Ohio EPA. (See the following for financial assurance related information.)

Properly authorized Class I and Class II scrap tire recovery facilities have one permanent location for scrap tire processing and may establish temporary operation locations for portable equipment. Prior to establishing a temporary operating location, proper notification must be submitted to the appropriate Ohio EPA district office, local health department, and local fire department for the temporary operating location. Changes in temporary operating location may also require notification to the

Division of Air Pollution Control and the Division of Surface Water for modification of permits from these divisions.

HOW MANY SCRAP TIRES CAN BE STORED AT A SCRAP TIRE RECOVERY FACILITY?

Class I scrap tire recovery facilities may store up to 20,000 square feet of whole, cut, or baled scrap tires (including rough shreds measuring over four inches), up to 20,000 square feet of tire derived chips (TDC) and/or tire derived fuel (TDF), as TDC and TDF are defined in Ohio Administrative Code Rule 3745-27-01, and up to 20,000 square feet of processed scrap tire products and by products. The director of Ohio EPA may authorize smaller or larger storage amounts in the facility's permit.

Class II scrap tire recovery facilities may store up to 10,000 square feet of whole, cut, or baled scrap tires (including rough shreds measuring over four inches), up to 10,000 square feet of TDC and/or TDF, as TDC and TDF are defined in Ohio Administrative Code Rule 3745-27-01, and up to 10,000 square feet of processed scrap tire products and by products. The director may authorize larger or smaller storage amounts in the facility's registration.

The scrap tire recovery facility owner or operator may choose to reduce the amount of scrap tires stored at the facility to reduce the amount of financial assurance required. The owner or operator can also request that the director approve additional storage amounts.

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DO STATE AND LOCAL FIRE CODES APPLY TO SCRAP TIRE RECOVERY FACILITIES?

Yes, in addition to the general fire code Ohio Administrative Code 1301:7-7-03, **General precautions against fire**, there is a specific rule Ohio Administrative Code 1301:7-7-26, **Tire rebuilding and tire storage**, that applies specifically to the storage of tires.

HOW MUST TIRES BE STORED TO COMPLY WITH THE RULES?

The specific operational requirements for all scrap tire recovery facilities are explained in Ohio Administrative Code Rule 3745-27-65. In general, however, all whole scrap tires and any processed scrap tires that do not meet the definition of TDF or TDC must be stored in piles that do not exceed 2,500 square feet in basal area. Fire lanes or separation distances are required to be maintained between all individual scrap tire piles and other structures at all times. If tires are stored outside of buildings and enclosed containers, they must either be covered with a waterproof tarp or treated regularly with an approved larvicide or adulticide (insecticide) to control mosquitoes.

Processed scrap tires that meet the definition of TDF or TDC may be stored in windrows that exceed a basal area of 2,500 square feet. These windrows must be stored in accordance with Ohio Administrative Code Rule 3745-27-65(F) (2) or (F) (4).

The effective scrap tire storage area includes the total area of all storage piles measured at the base of each pile and does not include the area used for empty fire lanes. About one acre is needed to properly store and separate tires in four piles that are each 2,500 square feet in area and 14 feet high.

HOW MUCH FINANCIAL ASSURANCE IS REQUIRED?

Financial assurance is provided by applicants in their registration applications to guarantee that funds will be available to properly close their facility by removing and delivering all scrap tires

and processed scrap tire material left at the permanent scrap tire recovery facility and, if applicable, at all remote sites where the company is still responsible.

The amount of financial assurance funds required for permanent scrap tire recovery facilities is based on the maximum number of scrap tires proposed to be stored at the facility at any time. Financial assurance is required at a rate of \$1 per passenger tire equivalent, (PTE = 20 pounds of rubber) for all whole, cut, rough shred and baled scrap tires. The amount of financial assurance for processed tires and scrap tire by products must at least equal the cost to transport and dispose of the material at a scrap tire monofill or monocell or solid waste facility, as appropriate.

In order to obtain authorization to process scrap tires at remote sites, companies also must provide \$50,000 worth of financial assurance to cover all remote sites where they may operate.

See also guidance document #644 - Financial Assurance for Scrap Tire Facilities and Transporters.

WHERE ARE SCRAP TIRE RECOVERY FACILITY APPLICATIONS SUBMITTED AND WHAT FEES ARE REQUIRED?

Class II scrap tire recovery facilities pay a one-time \$100 registration fee (which includes a \$15 non-refundable application fee). Class I scrap tire recovery facilities pay a one-time \$1,000 permit fee (which includes a non-refundable application fee of \$400). Once a registration (or permit) is issued, each applicant is billed for the remaining balance due. All scrap tire recovery facility registration (and permit) applications are submitted to the appropriate Ohio EPA district office where the permanent facility is to be located.

Scrap tire recovery facilities must also apply for and obtain a solid waste license from the approved local health department or Ohio EPA if the local health department is not approved for the solid waste program. The DDIC designated in an annual license application will

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determine the amount of license fee required which ranges from \$100 to \$5,500 annually (which includes the non-refundable application fee of \$100). Once annual licenses are issued, companies are then billed for the remaining balance due. **Each year** an application for a new annual license must be submitted by September 30.

All Class I scrap tire recovery facility applicants also must submit disclosure statements annually for a background check for key company employees to the Ohio Attorney General's Office. The submittal of disclosure statements also requires a fee in accordance with Ohio Revised Code Section 109:6-104.

Registration, permit, and license applications can be downloaded from Ohio EPA's Web site at: <http://www.epa.state.oh.us/dsiwm>.

DO SCRAP TIRE RECOVERY FACILITIES HAVE TO KEEP RECORDS?

Yes. Scrap tire recovery facility owners or operators must complete shipping papers each time scrap tires are delivered to or removed from scrap tire facilities. Copies of all shipping papers must be retained on file at the scrap tire recovery facility for at least three years. An annual report summarizing all shipping papers is also required to be submitted by January 31 **each year**.

If any scrap tires are stored outdoors and uncovered, the facility also must maintain an effective mosquito control program and a file including all records of insecticide applications.

WHAT ARE THE PENALTIES FOR FAILING TO COMPLY WITH THE SCRAP TIRE LAWS AND REGULATIONS?

The penalties for violating this or any section of the Ohio Revised Code relative to the handling or storage of scrap tires are listed in section 3734.99 of the Ohio Revised Code. A violation is a felony 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.

WHAT IS CLOSURE?

Closure occurs when a licensed facility ceases operations. The owners and operators must comply with the requirements of Ohio Administrative Code Rule 3745-27-66 and obtain the written concurrence of the licensing authority before closure is complete. At a scrap tire recovery facility, closure involves the removal of all scrap tire products and all scrap tire by products as well as all whole scrap tires. Once closure is complete, the owner or operator can request that the Director of Ohio EPA release the facility's financial assurance. Closure must also occur before the site can be used for any other purpose.

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

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 rights 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.