

**Registration requirements for scrap tire transporters - annual registration certificate.****(A) Applicability.**

- (1) Any person transporting scrap tires in Ohio shall comply with the registration requirements of this rule, with the standards for transportation of scrap tires in rule 3745-27-56 of the Administrative Code, and with the use of shipping papers in rule 3745-27-57 of the Administrative Code. Specific exclusions in paragraph (A)(2) of this rule apply only to the requirement to register as a scrap tire transporter and do not exclude anyone from the requirement to comply with the standards for transportation of scrap tires and the use of shipping papers.
  - (a) An application for an annual registration certificate for a new scrap tire transporter shall be submitted to the director at least ninety days prior to the date on which the scrap tire transporter proposes to begin transporting scrap tires.
  - (b) Anyone who is currently authorized by the director to transport scrap tires shall by January thirty-first of each year do either of the following:
    - (i) Submit an application for an annual registration certificate in accordance with this rule, if the transporter will continue operations beyond the last day of April, and submit an annual report pursuant to paragraph (G) of rule 3745-27-56 of the Administrative Code.
    - (ii) Submit a letter to the director stating that the transporter is no longer transporting scrap tires or will cease operations by the last day of April when the registration certificates expire. The transporter shall complete all closure activities pursuant to paragraph (H)(2) of rule 3745-27-56 of the Administrative Code.
- (2) The requirement to register as a scrap tire transporter does not apply to the following, if all conditions listed within a single paragraph below are fulfilled:
  - (a) Any person who transports ten or fewer scrap tires in a single load.
  - (b) Any person who transports any number of scrap tires for his own use in agriculture or in producing or processing aggregates.
  - (c) Any government agency, any political subdivision, or any person licensed or franchised by a political subdivision, engaged in the collection of solid waste other than scrap tires, when ten or fewer scrap tires are transported with any single load of other types of solid wastes.

- (d) 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 twenty-five or fewer scrap tires in a single load and not more than two hundred fifty scrap tires in a calendar year, all of which scrap tires either are or were used primarily as tires for farm machinery, construction equipment, commercial cars, commercial tractors, motor buses, or semitrailers.
- (e) Any government agency or any political subdivision which conducts a roadside or public property litter clean up operation or a community tire collection event. These activities shall only utilize government owned or leased vehicles or designated privately owned vehicles, whose use is donated and not purchased.
- (f) Any retreader or tire dealer who tracks scrap tires in an inventory or shipping paper system so that the tires can be returned to the original owner of the scrap tires. The scrap tires so tracked do not count toward the scrap tire limit in paragraph (A)(2)(a) or (A)(2)(d) of this rule.
- (g) Any common carrier who transports scrap tires, which are still owned by the scrap tire generator, on a commercial bill of lading to a dealer or manufacturer for the purposes of a warranty adjustment, repair, or retreading, regardless of the condition of the tires.
- (h) Any common carrier who transports scrap tires which are still owned by the scrap tire generator on a commercial bill of lading to another business location owned or operated by the scrap tire generator, regardless of the condition of the scrap tires.
- (i) Any scrap tire generator who transports scrap tires on a vehicle owned by the scrap tire generator to another business location owned or operated by the scrap tire generator of the scrap tires, to a tire retreading business, or to a manufacturer for the purposes of a warranty adjustment or repair.
- (j) Any transporter who transports segregated loads of retreadable casings to a tire retreading facility for truck tires or off-the-road tires. Any transporter who transports segregated loads of scrap bias ply tires or retreadable truck tire casings, if the transporter can show that the transporter has purchased the tires or is hauling them for someone who has purchased them. A commercial bill of lading or a detailed receipt describing the scrap bias ply tires or retreadable truck tire casings and listing the price paid, the source of the tires, and the destination shall be in the transporter's possession. Except for off-the-road tires, this exclusion does not apply if any other scrap tires are present in the transportation vehicle or if the transporter was paid to remove the scrap tires from a premises. This exclusion does not apply to scrap tires to be sold as used tires without retreading. This exclusion also does not apply to scrap tires that are all bias ply tires to be sold as used tires without retreading.

- (k) Any common carriers who are barge, ship, or rail companies and transport scrap tires are not regulated by this rule, if the common carrier is acting as an agent or subcontractor to a registered scrap tire transporter and has been furnished a copy of the transporter's registration certificate by the registered transporter. The certificate shall accompany the shipment of scrap tires to the end destination and shall then be returned to the registered transporter. A barge, ship, or rail company acts as an agent for the registered scrap tire transporter and the registered scrap tire transporter remains responsible for the shipment of scrap tires until the scrap tires reach the final destination. The scrap tire transporter also remains responsible for the scrap tires that are staged at a dock or rail yard prior to shipment.
- (l) Any transporter who transports exclusively tire derived fuel (TDF) or tire derived chips (TDC) as are defined in rule 3745-27-01 of the Administrative Code.
- (m) Any person who is directed to remove scrap tires from a property to abate a public nuisance or open dump, if the director or health commissioner specifically authorizes the person to transport their scrap tires in writing. These activities shall only utilize vehicles owned or leased by the person or vehicles whose use is donated to the person and shall not use commercial vehicles hired by the person and operated by an unregistered transporter.

[Comment: The authorization granted by this rule should specifically identify the name and address of the person transporting the scrap tires, identify the address of the point of origin of the scrap tires, identify the name and address of the destination of the scrap tires, and include a specific time period for such transportation. The authorization shall include a description of any cutting, shredding or baling of the scrap tires that the person may do without hiring a registered scrap tire transporter or mobile scrap tire recovery facility.]

- (3) Prior to storage of scrap tires for over thirty days in trailers or vehicles, the transporter shall obtain a scrap tire collection or storage facility registration or permit and license in accordance with rule 3745-27-61 of the Administrative Code.
  - (4) Prior to storing scrap tires outside of trailers or vehicles beyond the end of the daily work shift, the transporter shall obtain a scrap tire collection or storage facility registration or permit and license unless the transporter's business location qualifies for an exclusion from registering as specified in rule 3745-27-61 of the Administrative Code. If the normal operation is twenty-four hours per day, then the scrap tires shall not remain outside of a covered trailer or vehicle for more than twenty-four hours unless the site is a licensed scrap tire facility or qualifies for an exclusion from registering as specified in rule 3745-27-61 of the Administrative Code.
- (B) An application for an annual registration certificate as required by section 3734.83 of the Revised Code, shall be submitted to and approved by the director, before the transportation of scrap tires is begun. The application shall contain the following:

- (1) All the information required in paragraphs (B) and (C) of this rule such that the director can determine if the criteria set forth in rule 3745-27-55 of the Administrative Code are satisfied.
- (2) If required by paragraph (C)(2) of this rule, detailed drawings and information that shall be presented in a manner acceptable to the director. Detail shall be sufficient to allow clear understanding for technical review of the application, to provide assurance that the business will be operated in accordance with rule 3745-27-56 and Chapter 3745-27 of the Administrative Code, and to be readily understandable by operating personnel at the facility.

An application, notwithstanding any deficiency, may be considered and acted upon by the director if sufficient information is contained in the detailed drawings and information for the director to determine whether the criteria set forth in rule 3745-27-55 of the Administrative Code are satisfied.

If the director determines that information in addition to that required by this rule is necessary to determine whether the criteria set forth in rule 3745-27-55 of the Administrative Code are satisfied, the director shall require that the applicant supply such information as a precondition to further consideration of the application.

(C) The application for an annual registration certificate shall consist of the following:

(1) The following basic identification information:

(a) Business name, address, location, and phone number.

If the applicant has more than one business location, list the primary business location and attach a listing of all other locations where vehicles are routinely located in Ohio. This listing need not include the location of pre-positioned trailers owned or operated by the scrap tire transporter which are pre-positioned in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code. If the applicant is a political subdivision or government entity, list the name, title, and location of the official responsible and attach a listing of all other locations where vehicles are routinely located in Ohio.

(b) Business owner or operator name, address, and phone number.

(c) The name, address, and phone number of the emergency contact person for the business, who is authorized to commit resources necessary for emergency response equipment, material, and services for the business.

(d) The name, address, and phone number of the owner of the property on which the applicant's vehicles are routinely located. This does not include trailers pre-

positioned in accordance with paragraph (C)(8) of rule 3745-27-56 of the Administrative Code.

- (e) The name, address, and phone number of the person who prepared the application.
  - (f) The number of scrap tire transporter registration certificates needed during the subject registration year. This number should equal the number of motor vehicles to be used to transport scrap tires, plus the number of business locations identified in response to paragraph (C)(1)(a) of this rule, plus a reasonable estimate of additional vehicles and locations that might be used during the registration year.
- (2) The following additional information shall be included in the initial scrap tire transporter registration certificate application, if applicable. Annual renewal applications shall document any changes to this additional information or include a statement that no changes have occurred in this information since the initial application. This paragraph is applicable if any scrap tires are to be removed from the scrap tire transportation vehicles while they are on property owned or leased by the applicant for the purposes of grading or sorting the scrap tires in accordance with paragraph (C)(3) of rule 3745-27-56 of the Administrative Code, or if scrap tires will remain in covered trailers or vehicles on the property for over seven days but less than thirty days. Provide all of the following information in an initial application. For a renewal application, provide only the information that needs to be updated.
- (a) A description of how the scrap tires are to be handled and why this activity does not require additional registration or permitting as a scrap tire collection or storage facility in accordance with rule 3745-27-61 or rule 3745-27-63 of the Administrative Code.
  - (b) Detailed drawings for the area to be used for parking motor vehicles or trailers and for sorting tires. A scale of one inch equals a maximum of one hundred feet shall be used. The drawings shall show the following items within five hundred feet of any sorting areas for scrap tires:
    - (i) The location of the property line.
    - (ii) The location of any potential ignition sources such as welding operations or open flames.
    - (iii) The location and limits of all buildings and structures.
  - (c) The following narrative descriptions if the transporter will be using portable equipment for the purpose of consolidating loads of scrap tires for shipment:
    - (i) A description of the type of portable equipment to be used (i.e., baling, shredding, cutting, other).

- (ii) A description of how the scrap tires are to be handled at sites where portable equipment is to be used.

[Comment: The storage and handling of scrap tires at locations where portable equipment is used to consolidate loads of scrap tires for shipment is subject to the restrictions and conditions described in paragraph (C) of rule 3745-27-56 of the Administrative Code.]

- (3) A notarized statement certifying the following:

- (a) That the information presented in the application is true and accurate.
- (b) That on the date the application is submitted to Ohio EPA, none of the sorting areas for scrap tires described in the transporter's application are located in any of the following areas:
  - (i) A national park or national recreation area.
  - (ii) A state park or an established state park purchase area.
  - (iii) A candidate area for potential inclusion in the national park system.
  - (iv) Any property that lies within the boundaries of a national park or national recreation area but that has not been acquired or is not administered by the secretary of the United States department of the interior.

This paragraph does not apply to transporters hauling scrap tires generated within any of these areas.

- (c) That on the date the application is received by Ohio EPA, the sorting areas for scrap tires described in the transporter's application are at least one thousand feet from the boundaries of the following natural areas:
  - (i) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state wild, scenic or recreational river area, including areas designated by section 1517.05 or 1517.14 of the Revised Code.
  - (ii) Areas designated, owned, and managed by the Ohio historical society as a nature preserve.
  - (iii) Areas designated by the United States department of interior as either a national wildlife refuge or a national wild, scenic, or recreational river.
  - (iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.

- (v) Stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat; and may include wetlands.

This paragraph does not apply to transporters hauling scrap tires generated within any of these natural areas.

- (4) An executed financial assurance instrument in accordance with rule 3745-27-15 of the Administrative Code, only with an initial application.
  - (a) Annual renewal applications do not need to have a financial assurance instrument attached; however, financial assurance shall be maintained by the owner or operator.
  - (b) Financial assurance instruments, such as any bond or letter of credit, require the establishment of an unfunded standby trust fund in accordance with paragraph (G)(3), (H)(3), or (I)(3) of rule 3745-27-15 of the Administrative Code in addition to the primary financial assurance instrument.
- (5) A non-refundable application fee of three hundred dollars, unless one of the following applies:
  - (a) A scrap tire transporter, who is also a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code is excluded from the annual registration application fee of three hundred dollars if both of the following conditions apply:
    - (i) Only scrap tires obtained as a direct consequence of receiving motor vehicles for salvage are transported.
    - (ii) Scrap tires are transported only on motor vehicles owned or leased by the motor vehicle salvage dealer and which prominently display the name of the motor vehicle salvage dealer's business.
  - (b) A scrap tire transporter, who is also a tire retail dealer or retreader shall pay an annual registration application fee of fifty dollars, if only scrap tires obtained as a direct consequence of the transporter's tire retail or retreading business are transported.
- (D) The applicant, owner, or operator signing a document in accordance with this rule shall be one of the following:
  - (1) In the case of a corporation, a principal executive officer of at least the level of vice president or a duly authorized representative, if such representative is responsible for the overall operation of the facility.

- (2) In the case of a partnership, a general partner.
  - (3) In the case of a limited liability company, a manager, member, or other duly authorized representative of the limited liability company, if such representative is responsible for the overall operation of the facility.
  - (4) In the case of sole proprietorship, the owner.
  - (5) In the case of a municipal, state, federal, or other government facility, the principal executive officer, the ranking elected official, or other duly authorized employee.
- (E) The signature on the document shall constitute personal affirmation that all statements and all assertions of fact made in the document are true, accurate, include all required information, and comply fully with applicable rules.
- (F) Unless a certification statement is otherwise required, a document signed in accordance with this rule shall include the following certification statement:
- "By signing this document I hereby certify that all statements and all assertions of fact made in the document are true, accurate, include all required information, and comply fully with applicable rules."
- (G) Upon written notification that the application is incomplete, the applicant shall, within thirty days of receipt of the notification do one of the following:
- (1) Notify the director, in writing, that the application is being withdrawn.
  - (2) Correct noted deficiencies and resubmit the application.
  - (3) Submit a written request to and obtain authorization from the director for an additional thirty-day extension.

[Comment: Paragraph (B) of rule 3745-27-55 of the Administrative Code states that an incomplete application may be a basis for denial of a registration certificate application.]

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CERTIFIED ELECTRONICALLY

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Certification

10/18/2007

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Date

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