



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

March 11, 2010

**RE: ROSS COUNTY
TIRE - GEN**

James Ferguson
Route 292 Elk Creek
Inez, Kentucky 41224

RE: Illegal Transportation of Scrap Tires

Dear Mr. Ferguson:

On February 28, 2010, Sergeant Hutton of the Ohio State Highway Patrol and Mike Sherron of the Ohio Environmental Protection Agency's Division of Emergency and Remedial Response (DERR) recorded observations that you were transporting greater than ten scrap tires in your pickup truck. You were stopped in Ross County, Ohio on State Route #104 near Fairgrounds Road at approximately 2:30 PM. Sergeant Hutton and Mr. Sherron witnessed that you were transporting 47 scrap tires in your maroon Chevy pickup truck (Kentucky license plate # 356 FYL).

During the traffic stop, you indicated that you had acquired the scrap tires from Pick-n-Pull Self Service Auto & Truck Dismantlers in Columbus and were transporting them to your used tire shop in Kentucky for resale. Your receipt showed that you had purchased a total of 100 scrap tires from the dismantler and you admitted that you had previously transported the other 53 scrap tires to Kentucky on February 14.

Please be advised that under Ohio law, a "scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. For purposes of this definition, "unwanted" means the original scrap tire generator, original owner or manufacturer of the tire no longer wants to use, or is unable to use the tire for its original purpose, and "discarded" means the original scrap tire generator, original owner, or manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred. In order to legally haul scrap tires within the state of Ohio, you must be a registered scrap tire transporter.

Based upon the observations of Sergeant Hutton and Mr. Sherron, and your own admissions, you are in violation of the following sections of the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) Chapter 3745-27:

ORC Section 3717.83 - Except as provided in division (D) of this section, 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.

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OAC Rule 3745-27-54(A) - 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.

OAC Rule 3745-27-57(A) - All scrap tire shipments, including used tire shipments, of more than ten tires shall be documented on shipping papers by the generator, the transporter, and the recipient of the scrap tires.

Transporting greater than ten scrap tires at one time in Ohio requires being registered as a scrap tire transporter and proper documentation of all scrap tire shipments. You must cease and desist further hauling of scrap tires in Ohio unless/until you become a registered scrap tire transporter. Additional information about becoming a registered scrap tire transporter is available at Ohio EPA's website at:

http://www.epa.state.oh.us/dsiwm/pages/tire_docs.aspx.

For your reference, I have enclosed a copy of the guidance document titled, "Standards and Requirements for Scrap Tire Transporters".

Should you have any questions regarding this matter, please contact me at your convenience at 740-380-5438.

Sincerely,



Daniel L. Bergert, R. S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

DLB/jg

cc: Ross County Health Department
cc: Mike Sherron, Ohio EPA-SEDO-DERR
cc: Sergeant Hutton - Ohio State Highway Patrol