



**Environmental
Protection Agency**

John R. Kasich, Governor

Mary Taylor, Lt. Governor

Scott J. Nally, Director

September 25, 2012

RE: MIDLAND CONCRETE AND SAND, INC.
OHR000173229/NON-GENERATOR
CUYAHOGA COUNTY
COMPLAINT #7547
NOV/RTC

Mr. Don Bergin
Midland Concrete and Sand, Inc.
2890 West 3rd Street
Cleveland, OH 44113

Dear Mr. Bergin:

On September 13, 2012, John Paquelet and I of the Ohio EPA's Division of Materials and Waste Management conducted a hazardous waste complaint investigation at Midland Concrete and Sand (Midland), located at 2890 West 3rd. Street, Cleveland, Ohio. You and Zach Bergen represented Midland during our inspection.

The complaint alleged that Midland was improperly disposing of used oil and antifreeze in its regular drains. We walked through the facility and saw where used oil and antifreeze are collected, and where Midland's used oil burner is located. You told us that you burn the used oil that Midland generates and occasionally you take used oil from a friend of yours.

As the generator of used oil you can burn used oil in a space heater as long as the space heater has a heating capacity of 500,000 BTU/hr or less, the space heater is legitimately used for heating purposes, the space heater is vented to the outside, you comply with the used oil management standards for generators, and you can show that the used oil from your business contains 1000 parts per million (ppm) total halogens or less. While it is acceptable to burn used oil that you generate, you cannot accept used oil from other businesses to burn in your space heater, unless you or the other business has information that shows that the used oil meets the specification levels found in Ohio Administrative Code (AOC) rule 3745-279-11. This is done by analysis of a representative sample of the used oil for the constituents listed in the rule. The person who first makes the claim that the used oil meets the specification (either you or the other business owner) is considered to be a used oil fuel marketer.

Used oil that has been shown to have constituent concentration levels below those listed in Table 1 of OAC rule 3745-279-11 meets the used oil specification and this oil is then commonly referred to as "on-specification used oil. I have listed the levels found in Table 1:

- 5 ppm or less of arsenic
- 2 ppm or less of cadmium
- 10 ppm or less of chromium
- 100 ppm or less of lead
- 100< F minimum flash point
- 4,000 ppm or less of total halogens*

*Although the used oil specification's total halogen regulatory limit is 4,000 ppm, if the total halogens exceed 1,000 ppm Ohio EPA presumes the used oil has been mixed with a hazardous waste, unless you can prove that it hasn't.

For you to burn used oil from another business, you or the business that generated the used oil must do all the following:

Determine that the used oil meets the specification through analysis of a representative sample of the used oil;

Notify Ohio EPA of your used oil burning activity and get a USEPA identification number if you don't have one;

Keep records of used oil shipments for three years; and

Determine if the used oil contains greater than 1000 ppm total halogens.

If you pursue becoming a used oil collection center you will also be able to accept used oil from do-it-yourself persons. Please notify me in writing if you plan to accept used oil generated by other businesses to burn in your space heater.

The following violation was noted:

1. **Ohio Administrative Code (OAC) 3745-279-22(C)(1); Containers and above ground tanks that are used to store used oil must be labeled with the words, "Used Oil".**

Several totes were being used to collect used oil. None of them were labeled with the words used oil as is required by the rule. Later that day you email me photographs demonstrating the totes had been labeled "Used Oil", thus abating the violation. No further action is required regarding this violation.

In addition to the above violation, the Ohio EPA notes the following concerns:

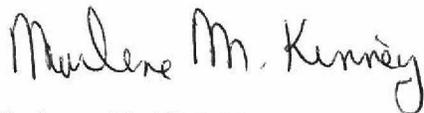
MIDLAND CONCRETE AND SAND, INC.
SEPTEMBER 25, 2012
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2. As we walked outside, we noticed three, 55-gallon drums containing shot blast. You told us one of your tenants' paints bridges and that the shot blast was from blasting a bridge prior to painting. You also told us that your tenant plans to send the shot blast off for metals recycling. If the shot blast is not sent off-site for metals recycling, the material will have to be analyzed to determine whether or not it is a hazardous waste prior to disposal. Please notify me in writing when the shot blast is removed from your property.
3. We noted about 100 scrap tires shown in the enclosed photograph. These wastes must now be properly cleaned up and disposed. Send me a photograph showing this has been done and documentation (such as pickup receipts) showing these wastes have been properly disposed.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dmwm.aspx>

Should you have any questions, please feel free to call me at (330) 963-1162 or email me at marlene.kinney@epa.state.oh.us

Sincerely,



Marlene M. Kinney
Environmental Specialist
Division of Materials and Waste Management

MMK:ddw

ec Jeff Mayhugh, DMWM, CO
Nyall McKenna, DMWM, NEDO
Natalie Oryshkewych, DMWM, NEDO

Send to Central Office <input checked="" type="checkbox"/>	Ohio Environmental Protection Agency RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM	For Ohio EPA use only
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Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us.

Site EPA ID No.	EPA ID Number: OHR000173229	
Site Name	Name: Midland Concrete and Sand	Website: (Optional)
Site Location Information	Street Address: 2890 West 3rd. St.	
	City, Town, or Village: Cleveland	State: OH
Site Land Type (check only one)	County Name: Cuyahoga	
NAICS code(s) www.census.gov/epcd/www/naics.html	Private <input checked="" type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Indian <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other <input type="checkbox"/>	Zip Code: 44113

Facility Representative	First Name: Donald	MI: A.	Last Name: Bergen
Additional names can be recorded in number 12	Title: President		
	Phone Number: 216-781--77-	Phone Number Extension:	
Only provide address information if it is different than the site address	E-Mail Address: d-bergen.9510@yahoo.com		
	Fax Number: 216-781-8933	Fax Number Extension:	
	Street or P.O. Box:		
	City, Town or Village:		
	State:	Zip Code:	

Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner:		Date Became Owner (mm/dd/yyyy):									
	Owner Type:	Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>			
	Street or P.O. Box:				Owner Phone #:							
	City, Town or Village:				Country:		Zip Code:					
	State:				Date Became Operator (mm/dd/yyyy):							
	Name of Site's Operator:		Operator Type:		Private <input type="checkbox"/>	County <input type="checkbox"/>	District <input type="checkbox"/>	Federal <input type="checkbox"/>	Indian <input type="checkbox"/>	Municipal <input type="checkbox"/>	State <input type="checkbox"/>	Other <input type="checkbox"/>
	Street or P.O. Box:				Operator Phone #:							
	City, Town or Village:				Country:		Zip Code:					
	State:											

VIOLATIONS CITED?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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TYPE OF HANDLER - MARK "X" AS APPROPRIATE

<input checked="" type="checkbox"/> Not a HW Generator	<input type="checkbox"/> UNKNOWN: Cited for violation of 3745-52-11 <input type="checkbox"/> Short-Term/Temporary Generator (generates from a short-term or one-time event and not from on-going processes). <i>Check the box for the applicable generator status and provide a comment.</i>	<input type="checkbox"/> Large Quantity Generator (LQG) <input type="checkbox"/> Small Quantity Generator (SQG) <input type="checkbox"/> Conditionally Exempt Small Quantity Generator <input type="checkbox"/> U.S. Importer of Hazardous Waste <input type="checkbox"/> Mixed Waste (Hazardous and Radioactive) Generator
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TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)	
<input type="checkbox"/> Hazardous Waste Transporter	<input type="checkbox"/> Exempt Boiler and/or Industrial Furnace
<input type="checkbox"/> Hazardous Waste Transfer Facility	<input type="checkbox"/> Small Quantity On-Site Burner Exemption
<input type="checkbox"/> Treater, Storer or Disposer of Hazardous Waste	<input type="checkbox"/> Smelting, Melting, Refining Furnace Exemption
<input type="checkbox"/> Recycler of Hazardous Waste	<input type="checkbox"/> Underground Injection Control Facility
<input type="checkbox"/> 72-Hour Recycler	<input type="checkbox"/> Receives Hazardous Waste from Off-site

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY))	
<input type="checkbox"/> Small Quantity Handler of Universal Waste	<input type="checkbox"/> Destination Facility for Universal Waste
<input type="checkbox"/> Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)	

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES	
<input type="checkbox"/> Batteries	
<input type="checkbox"/> Pesticides	
<input type="checkbox"/> Mercury containing equipment	
<input type="checkbox"/> Lamps	

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S))	
<input checked="" type="checkbox"/> Used Oil Generator	
<input type="checkbox"/> Used Oil Transporter	
<input type="checkbox"/> Used Oil Transfer Facility	
<input type="checkbox"/> Used Oil Processor	
<input type="checkbox"/> Used Oil Re-refiner	
<input type="checkbox"/> Off-Specification Used Oil Burner	
<input type="checkbox"/> Used Oil Fuel Marketer who directs shipment of Off-Spec Used Oil	
<input type="checkbox"/> Used Oil Fuel Marketer who first claims the Used Oil meets the specifications	

Eligible Academic Entities with Laboratories: Facility has previously notified that they are opting into managing laboratory hazardous waste pursuant to OAC rules 3745-52-200 through 3745-52-216. Check the box(es) below to indicate the laboratory type.

<input type="checkbox"/> College or University	
<input type="checkbox"/> Teaching hospital that is owned by or has a formal written affiliation agreement with a college or university	
<input type="checkbox"/> Non-profit Institute that is owned by or has a formal written affiliation agreement with a college or university	

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Additional Facility Representatives:	Zach Bergen
Tanks	<input type="checkbox"/> Yes	<input type="checkbox"/> No		
Containers	<input type="checkbox"/> Yes	<input type="checkbox"/> No		

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Marlene Kinney	John Paquelet	9/13/2012

Comments:
Complaint # 7547.

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: 1. A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

2. Inspectors can check BUSTR's web-site at https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/PublicInquiry.asp to determine if a UST containing used oil is registered with BUSTR. Inspectors may call BUSTR at 614-752-7938 or a BUSTR site coordinator to report an unregistered UST or a UST that appears to not be in compliance with BUSTR regulations. A list of BUSTR coordinators by county are at: https://www.comapps.ohio.gov/sfm/fire_apps/bust/bustr/SearchByCounty.asp.

PROHIBITIONS

1.	Does the generator manage used oil in a surface impoundment or waste pile? If yes:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: For example, used oil contaminated scrap metal stored in a pile.

2.	Is used oil used as a dust suppressant? [3745-279-12(B)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
3.	Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4.	Does the generator mix hazardous waste with used oil? If so,	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
a.	Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5.	Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
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NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6.	Does the generator store used oil in tanks; <u>or containers</u> ; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
7.	Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
8.	Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)]	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>
9.	Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
a.	Stopped the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Contained the release?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Cleaned up and properly managed the used oil and other materials?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
d.	Repaired or replaced the containers or tanks prior to returning them to service, if necessary?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

ON-SITE BURNING IN SPACE HEATER		
10.	Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so:	
a.	Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? <i>French</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
b.	Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
c.	Are the combustion gases from heater vented to the ambient air?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
<i>NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).</i>		
GENERATOR TRANSPORTATION		
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
12.	If the generator self-transport used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]	
a.	Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
b.	Does the generator transport more than 55 gallons of used oil at any time? [3745-279-24]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).</i>		
COLLECTION CENTERS AND AGGREGATION POINTS		
13.	Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
15.	Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32]	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
<i>NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.</i>		

INSTRUCTIONS

Each person desiring to operate a Used Oil Collection Center shall use this form to apply to the Division of Materials and Waste Management (DMWM) for registration as required by Rule 3745-279-31 of the Ohio Administrative Code (OAC). Centers that collect used oil only from Do-It-Yourselfer persons or farmers, and not businesses, are not required to register. After a registration is processed, a confirmation will be returned to the center by DMWM. The owner or operator of the center should notify DMWM in writing of any subsequent changes to the information submitted.

The Used Oil regulations are contained in OAC Chapter 3745-279. Questions about the regulations should be directed to DMWM's Hazardous Waste Compliance and Inspection Support Unit (HWCIS) at (614) 644-2621. The regulations and this form are available on DMWM's Web page at <http://www.epa.state.oh.us/dmwm.aspx>. Basic terminology definitions are listed below.

Definitions

Used Oil - any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of that use, is contaminated by physical impurities.

Do-It-Yourselfer (DIY) - a person who generates used oil through household activities, including maintenance of personal vehicles.

Used Oil Collection Center - any site or facility registered with the State of Ohio to manage used oil and that accepts or aggregates and stores used oil collected from used oil generators who transport no more than 55 gallons per visit. Centers may also accept used oil from DIY persons or farmers.

For help in completing the form or to obtain a blank form by mail, call HWCIS at (614) 644-2621. Submittals can be faxed to (614) 728-5315, but the original must also be sent to DMWM using one of the addresses below.

Mailing Address:
Ohio EPA
Division of Materials and Waste Management
P.O. Box 1049
Columbus, OH 43216-1049

Courier Deliveries Only:
Ohio EPA - DMWM
Lazarus Government Center
50 W. Town Street, Suite 700
Columbus, OH 43215-1049

Please type or print neatly in ink.

Section 1 - Registration Type

Box A: Check the appropriate box for an Initial or a Subsequent Registration. If this is an Initial Registration, DMWM will assign an identification (ID) number to the center, which should be used on all future correspondence. If the form is to be used to submit information changes, check the Subsequent box, list the Center's ID number, and fill in the sections of the form which have changed since the last registration was submitted.

Box B: Check the applicable boxes which describe the types of used oil handlers that the center collects from.

Section 2 - Collection Center Identification

List the center's name, county, location and mailing addresses, contact person, and phone number. If the mailing and location addresses are the same, write the word "Same" in place of the mailing address.

Section 3 - Owner Identification

List the owner's name, address, phone number, and the date at which ownership began. If there are multiple owners, record these on a separate sheet of paper and submit it as an attachment.

Section 4 - Certification

The form must be signed by the company owner or his/her authorized representative.

After the form is completed and signed, make a photocopy for your records and mail the original to one of the addresses listed above.

The Regulation of Used Oil: *Used Oil Burners*

DHWM Guidance Document

Date: August 2005

This guidance document contains information for businesses that burn off-specification used oil (used oil burners). It summarizes Ohio EPA's used oil burner management standards. These requirements are detailed in Ohio Administrative Code (OAC) rules [3745-279-60 through 3745-279-67](#). For more information or further explanation of these rules, contact Ohio EPA's Division of Hazardous Waste Management (DHWM) at (614) 644-2917, or visit our [Web site](#). You can also contact a DHWM inspector for your area in one of the [District Offices](#).

What is Used Oil?

Used oil is any oil, synthetic or refined that has been contaminated as a result of its use. Examples include:

- Motor oil
- Hydraulic fluid
- Electrical insulating oils
- Transmission fluid
- Compressor oils

Who is a Used Oil Burner?

A used oil burner is any person who burns used oil that:

- does not meet the specification standards found in OAC rule [3745-279-11](#),
- burns the used oil for purposes of energy recovery, and
- burns the used oil in either a boiler or an industrial furnace.



Is It Possible to Burn Off-Specification Used Oil and Not Be Subject to The Used Oil Burner Requirements?

It is possible to burn off-specification used oil and not be subject to the used oil burner requirements if:

- you only burn in an on-site space heater,
- you only burn the used oil generated at your business or used oil received from a household do-it-yourselfer (used oil generated from a households),
- your space heater does not burn used oil at a rate exceeding 0.5 million Btu per hour, and
- all the combustion gases from your space heater are vented to the outside.

Even though you may not have to comply with used oil burner requirements, you are still required to comply with other used oil requirements, such as used oil generator requirements, if applicable.

Is There any Used Oil that Would Not be Subject to the Used Oil Regulations?

Used oil that has been proven to meet the specifications found in OAC rule [3745-279-11](#) (commonly referred to as “on-specification used oil”) and is burned for energy recovery is not subject to used oil requirements. For example, used oil that meets the requirements of OAC rule [3745-279-11](#) may be burned in an oil-fired space heater regardless of the source of the generator. For used oil to be considered “on-specification,” its constituent levels must be at or below (except for flash point) the following levels:

- 5 ppm or less of arsenic
- 2 ppm or less of cadmium
- 10 ppm or less of chromium
- 100 ppm or less of lead
- 100° F minimum flash point
- 4,000 ppm or less of total halogens*
- less than 2 ppm PCBs

The person who makes the claim that the used oil meets these specifications must keep all records of the analysis and a record of all shipments of the used oil.

* Note that if the used oil contains greater than 1,000 ppm total halogens, you must successfully rebut the presumption that the used oil has been mixed with a hazardous waste before it can be marketed as an on-specification used oil not subject to used oil requirements.

What Type of Unit Qualifies as a Boiler or an Industrial Furnace?

Generally, a boiler is an enclosed device that uses controlled flame combustion to recover and deliver energy in the form of steam, heated fluid or heated gases. An industrial furnace is an enclosed device that is an integral part of a manufacturing process, and uses thermal treatment to recover materials or energy. You can find more information on what qualifies as an industrial furnace in OAC rule [3745-50-10\(A\)](#). For a boiler, first read OAC rule [3745-50-10\(A\)](#), then make sure your unit meets one of the identification criteria found in OAC rule [3745-279-61\(A\)\(2\)](#). For burning used oil, space heaters do not qualify as either a boiler or industrial furnace. If you have further questions regarding what qualifies as either a boiler or industrial furnace, please contact a member of DHWM's [Regulatory Service Unit](#).

What Must I Do if I am a Used Oil Burner?

As a used oil burner, you must do the following:

- Notify Ohio EPA, [DHWM](#), and obtain an EPA identification number by filling out a notification form ([9029](#)) or by submitting a letter to [Ohio EPA](#) with the appropriate information. You can obtain a copy of the form and [instructions](#) on our Web page or by calling (614) 644-2917.
- Determine if the used oil contains more than one thousand parts per million (ppm) total halogens, and retain the records of all analyses or information used to make these determinations for the last three years (OAC rule [3745-279-44](#)). Acceptable analytical test protocols include [SW-846 Test Methods](#) 9075, 9076 and 9077. The latter of these methods is a field test method such as Chlor-D-Tect 1000® and Chlor-D-Tect 4000®.
- Manage all residues from burning or storing used oil in accordance with OAC rule [3745-279-10\(E\)](#).
- Retain records of all accepted shipments of used oil for at least three years. The records must include:
 - name, address and U.S. EPA ID number of the used oil transporter;
 - name, address and U.S. EPA ID number (if applicable) of the generator, processor/re-refiner from where the used oil was sent;
 - date of acceptance; and
 - quantity of used oil received.

Note: Besides Ohio's used oil regulations, you may be subject to regulation under other programs. For example, if you store a large quantity of used oil on-site in containers or tanks, you may need to develop a [spill prevention plan](#) (called an SPCC plan). Call Ohio EPA's [Division of Emergency and Remedial Response](#) at (614) 644-2924 for more information.

Used Oil Burners

Prior to accepting any used oil, you must provide the supplying generator transporter or processor/re-refiner a one-time written and signed notice certifying that:

- you have notified Ohio EPA of your used oil management activities, and
- you will only burn the used oil in a boiler or industrial furnace.

What Management Requirements Must I Follow if I am Storing Used Oil At My Facility Before Burning It?

If you are storing used oil at your facility you must:

- Store used oil only in tanks or containers that are in good condition and are not leaking.
- Equip used oil container storage areas with secondary containment that is sufficiently impervious to used oil (including the floor, dikes, berms and retaining walls) to prevent any used oil from migrating to the soil, ground water or surface water.
- Equip used oil aboveground storage tank(s) with secondary containment that is sufficiently impervious to used oil (including the floor, dikes/berms and retaining walls) to prevent any used oil from migrating to the soil, ground water or surface water. (If you are operating a tank that was installed after October 20, 1998, the floor must cover the ground underneath the tank. If the tank was in operation prior to October 20, 1998, then the floor only has to come up to the point where the tank meets the ground.)
- Label all used oil storage tanks (including fill pipes to underground storage tanks) and containers with the words "Used Oil."

Upon detection of a release to the environment you must:

- Stop the release;
- Contain the released used oil;
- Clean up and manage the released used oil and other remediation materials; and
- Repair or replace any container or tanks prior to returning them to use.

If I Determine that I am a Used Oil Burner, Should I Contact any other Divisions at Ohio EPA for other Regulations I May Need to Comply With?

Yes. You should contact a member of the Division of Air Pollution Control (DAPC). You may need to receive an air permit or modify an existing permit in order to burn used oil. You can contact a member of DAPC by visiting their [Web page](#).

Who Can I Contact if I Have Other Questions Regarding Burning Used Oil or Used Oil in General?

Please contact DHWM's [Regulatory Services Unit](#) at 614-644-2917 if you have used oil management questions or wish to learn about ways that you can reduce the amount of waste you generate.

The Regulation of Used Oil: An Overview for Ohio Businesses Who Generate Used Oil

DHWM Guidance Document

Date: April 2006

If your business generates used oil, it is important that you understand and comply with Ohio EPA's used oil regulations. This guidance document outlines the basic used oil generator requirements in Ohio Administrative Code (OAC) rules [3745-279-20 through 3745-279-24](#). If you need more information or have questions about Ohio's used oil regulations, please contact the Division of Hazardous Waste Management (DHWM) at (614) 644-2917 or visit our [Web site](#).

Why is Used Oil Regulated?

Used oil that is not managed safely can pose a threat to humans and the environment. Improperly disposing of used oil can also lead to contamination of drinking water, surface water, ground water and soils. The used oil regulations describe proper used oil management. Because used oil is a reusable resource, the regulations also promote used oil recycling.

What is Used Oil?

Petroleum-based or synthetic oils that are used and contaminated with physical and chemical impurities are defined as used oil. To determine whether your material meets the definition of used oil, you must determine if it meets the following three criteria:

Did you know that...

U.S. businesses produce about 1.2 billion gallons of used oil a year?

- 1) Origin -** The material must come from either refined crude oil or from synthetic materials including materials derived from coal, shale or polymer-based starting material (e.g., Mobil 1, Castrol Syntec, and water based cutting and hydraulic oils).
- 2) Use -** The material must be used as a lubricant, hydraulic fluid, heat transfer fluid (coolant), cutting fluid, buoyant or for some other similar purpose. Materials that have not been used, such as bottoms from a virgin oil tank clean-out or a virgin oil spill, are not considered used oil. Other materials that are not considered used oil include petroleum products used for cleaning (solvents) and other petroleum-derived products such as antifreeze and kerosene.

Used Oil Generators

- 3) **Contaminants** - the material must be contaminated with either physical or chemical impurities from its use. Examples of contaminants could include dirt, metal shavings, solvents or halogens.

What is a Used Oil Generator?

A used oil generator is a person whose action or process first causes used oil to become subject to regulation. Used oil is commonly generated through vehicle or equipment maintenance. Many different types of businesses generate used oil, including: manufacturing companies, machine shops, metal working industries, auto service stations, quick lube shops and others.

There are additional regulations for other used oil activities such as:

- [transportation](#)
- [collection centers](#)
- [re-refining or reprocessing](#)
- [burning](#)
- [marketing](#)

If your business is involved in any of these activities, you may have to comply with the applicable requirements. For information about the regulations that might apply to you, contact the [Division of Hazardous Waste Management](#).

What Are My Responsibilities if I Generate Used Oil?

Ohio's regulations include some specific requirements for used oil generators. Most of these regulations relate to good housekeeping practices. See the checklist on the following page for used oil generator requirements.

What is Used Oil?

Used Oil Includes:

- engine oils from vehicles and equipment
- lubricating oil
- brake fluids
- transmission fluid
- hydraulic fluid
- insulating oils
- metal cutting fluids
- industrial process oils
- compressor/refrigerant oils

Used oil does not include:

- oil products
- cleanup materials from oil product spills
- animal or vegetable oils
- oil sludge from virgin oil storage tanks
- antifreeze
- kerosene (unless used as a lubricant)
- petroleum distillates used as solvents

Used Oil Generators

Besides Ohio's used oil regulations, you may be subject to regulation under other programs. For example, if your facility has the ability to store 660 or more gallons of used oil in a single above ground storage container or tank, you may need to develop a spill prevention plan (called an [SPCC plan](#)). Call Ohio EPA's [Division of Emergency and Remedial Response](#) at (614) 644-2924 for more information.

If you store used oil in an underground tank, you may be subject to regulation by the [Bureau of Underground Storage Tank Regulation](#) (BUSTR), [Division of State Fire Marshal](#). Contact BUSTR for more information at (614) 752-7938.

How Can I Dispose of or Recycle My Used Oil?

As a used oil generator, you have several recycling and management options. Under no circumstances, however, can you dispose of used oil on your property.

Take your used oil to a collection center

You can transport small amounts of used oil generated at your site to a [registered used oil collection center](#) without being subject to the [used oil transporter requirements](#). To do this, you must use your own vehicle or a vehicle owned by an employee and transport no more than fifty-five gallons at a time.

Take your used oil to an aggregation point(s)

You can transport small amounts of used oil that you generate to aggregation points that you own. A used oil aggregation point is a site or facility that you own in which you transport used oil to. You can transport your used oil to your aggregation point(s) without being subject to the used oil transporter requirements if you use your own vehicle or a vehicle owned by an employee and you transport no more than fifty-five gallons at a time.

Burn your used oil in a space heater

You can burn used oil generated at your business or used oil received from a household do-it-yourselfer in an on-site space heater.

Used Oil Generator ✓ List

- ✓ Label containers or tanks of used oil with the words, "Used Oil."
- ✓ Store used oil in containers or tanks that are in good condition (not rusting, leaking, etc.).
- ✓ If there is a leak of used oil: stop the leak, contain it, clean it up and properly manage the cleanup materials.
- ✓ Use a transporter with an EPA [identification number](#) when shipping used oil off site.
- ✓ Do not mix your used oil with other wastes such as mineral spirits, brake cleaner fluid or washer solvents, unless you are sure that you are complying with the appropriate regulations.

Used Oil Generators

To do this, your space heater cannot burn used oil at a rate exceeding 0.5 million Btu per hour and all combustion gases from your space heater must be vented to the outside. Please note, though, that besides complying with the used oil regulations, you may also be subject to regulation by Ohio EPA's [Division of Air Pollution Control](#). If you want to burn used oil in a space heater, you should contact the air division at your local [Ohio EPA District Office](#) to discuss any applicable requirements.

Contact a used oil recycler

The best way to manage your used oil is to send it to a used oil recycler. Ohio EPA maintains a [list of companies that recycle used oil](#). Used oil recyclers conduct various recycling methods such as:

Reconditioning

Involves removing impurities and reusing the oil.

Re-refining

Involves treating the used oil and removing impurities. Re-refining returns the oil to close to its original state so that it can be used to make new products.

Reusing

Used oil is returned to a petroleum refiner to be used as a feedstock for gasoline or coke production.

Burning for energy recovery

Used oil is treated to remove impurities such as water and solids. It is then burned as a fuel to generate heat.

Note: If you mix your used oil with other wastes (solvents, for example), this may cause the entire mixture to become a hazardous waste. This mixture may subject you to the hazardous waste rules, or to other rules which may result in higher recycling/disposal costs.

If you plan to send your used oil off-site to a used oil recycler, you must use a used oil transporter who has a [U.S. EPA identification number](#).

Additional Tips on Handling Used Oil

Good housekeeping practices and training can help your company stay in compliance with the used oil regulations. In addition, there are other things you can do to reduce the amount of used oil generated at your company. These include:

- 1) Use high performance or long-lasting oils. They prolong the need for an oil change.

Used Oil Generators

- 2) Consider testing the oil periodically to determine the level of contamination or degradation. The testing may reveal problems in machinery or equipment.
- 3) Install by-pass on vehicle engines. These small devices are used to complement "full-flow" oil filters by removing contaminants smaller than 40 microns. These filters extend engine and oil life.

Handling Used Oil...

DO inspect equipment for oil leaks and take quick actions if repairs are needed.

DO train personnel on the correct methods for handling used oil.

DO look for ways to reduce the amount of used oil waste that your business generates.

Handling Used Oil...

DON'T throw your used oil on the ground, down the sewer, in a septic tank or down a floor drain.

DON'T put liquid used oil in the trash dumpster with your solid waste. Solid waste landfills cannot take liquids.

DON'T mix your used oil with other wastes that might cause the whole mixture to become a hazardous waste.

You can contact your vendor or supplier for additional information. Ohio EPA's Office of Pollution Prevention at (614) 644-3469 also can provide information about reducing the amount of waste you generate.

How Can I Dispose of Used Oil Filters?

According to OAC rule 3745-51-04(B)(13), non-terne plated used oil filters that are hot-drained are not hazardous wastes. Non-terne plated filters do not contain lead in the metal portion of the filter. Hot-draining may be accomplished by either:

- puncturing the anti-drain back valve or the filter dome end and hot-draining;
- hot-draining and crushing;
- dismantling and hot-draining; or
- other equivalent method.

We consider a filter to be hot-drained when it is brought up to normal engine operating temperature just before you remove it for draining. The oil filter should be allowed to drain for 12 hours. After the oil has been drained, the filter may be disposed of in the municipal waste stream. However, we encourage you to recycle the filters as scrap metal. The oil collected must be managed as used oil.

Used Oil Generators

While most automobile oil filters are non-terne plated, industrial filters and other types may still be terne-plated. The Filter Manufacturers Council (FMC) maintains information on filters. For more specific data on the discontinuation of terne-plated oil filters and other types of filters, you should refer to [FMC's Web site](#).

Where Can I Go For More Help?

Please contact Ohio EPA's Division of Hazardous Waste Management's [Regulatory Services Unit](#) at 614-644-2917 if you have used oil management questions or wish to learn about ways you can reduce the amount of waste you generate.

Common Used Oil Management Standards (Ohio Administrative Code Chapter 3745-279)					
Handler Type	Generator/Collection Center	Transporter/Transfer Facility	Off-Spec Burner	Processor/Re-refiner	Marketer*
Mgmt. Standards					
Storage	Yes 3745-279-22(A)	Yes 3745-279-45(A)	Yes 3745-279-64(A)	Yes 3745-279-54(A)	N/A
Secondary Containment	No	Yes 3745-279-45(D)	Yes 3745-279-64(C)	Yes 3745-279-54(C)	N/A
Response to Releases	Yes 3745-279-22(D)	Yes 3745-279-45(H)	Yes 3745-279-64(G)	Yes 3745-279-54(G)	N/A
Notification/EPA ID Number	No (Non-DIY collection centers must register with the state)	Yes 3745-279-42(A)	Yes 3745-279-62(A)	Yes 3745-279-51(A)	Yes 3745-279-73(A)
Tracking	No	Yes 3745-279-46	Yes 3745-279-65	Yes 3745-279-56	Yes 3745-279-74

* Storage, secondary containment and release response issues are not applicable to marketers, however, marketers must be one other type of handler.

WASTE DISPOSAL AND RECYCLING COMPANIES IN NORTHEAST OHIO

NOTE: Ohio EPA does not endorse specific products or companies.

Information sources:

<http://www.cuyahogawd.org/business/recdirectory.asp>

<http://www.epa.ohio.gov/ocapp/Recycle.aspx>

<http://www.saswma.org/>

BATTERY RECYCLERS

Many hazardous waste companies and those listed below under computers and mercury-containing lamps will pick up batteries. Many metal scrap companies, auto parts salvage yards, and auto parts stores will accept lead acid batteries. Many retail stores accept rechargeable batteries.

CARDBOARD

<http://www.epa.ohio.gov/ocapp/Recycle.aspx>

COMPUTERS AND OTHER ELECTRONICS (July 2009)

Empty Cartridges for Cash, Cleveland (440) 449-3650

E Scrap Ohio, Mentor (440) 537-2828

e-Waste, Hudson (330) 650-0274

Great Eastern Metals, Cleveland (216) 441-3436

Inline Computer, Akron (330) 338-1276

Morgan Building, Akron (330) 773-3899

EMPTY DRUMS (July 2008)

ACN-Cleveland, Cleveland (216) 431-5346 <http://www.americancontainernet.com/>

City Barrel, Cleveland (216) 570-1953

Container Compliance, Cleveland (216) 961-0035

Gray Container, Cleveland (216) 721-9900

Lomack Drum, Cleveland (216) 229-1200

National Container, Cleveland (216) 271-5700 <http://www.nationalcontainer.com/>

HAZARDOUS WASTE COMPANIES (October 2011)

Agmet Metals, Inc., Oakwood Village (440) 439-7400 <http://www.agmetmetals.com>

Chemical Solvents, Cleveland (216) 741-9310 <http://www.chemicalsolvents.com>

Chemtron Corp., Avon (440) 937-6348 <http://www.chemtron-corp.com>

Clean Harbors, Cleveland (216) 429-2402 <http://www.cleanharbors.com>

Complete Waste Disposal Company, Chardon (440) 286-8849 <http://www.completewastedisposal.com>

Envirite Corp., Canton (330) 456-6238 <http://www.envirite.com>

Heritage-WTI Inc., East Liverpool (330) 385-7336 <http://www.heritage-wti.com>

Hukill Chemical Corp., Bedford (440) 232-9400 <http://www.hukill.com>

Reserve Environmental, Ashtabula (440) 992-2162

Ross Incineration Services, Grafton (440) 728-2200 <http://www.rossenvironmental.com>

Safety-Kleen, Brunswick (330) 273-3111 <http://www.safety-kleen.com>

INDUSTRIAL LAUNDRY COMPANIES

Evergreen Cooperative Laundry, Cleveland (216) 268-5728

Coyne Textile Service, Cleveland (216) 268-5800 <http://www.coynetextileservices.com/>

Industrial Glove and Towel Service, Cleveland, OH (216)-641-8200

Universal Fuller Company, Cleveland (216) 431-8100

Van-Dyne Crotty, Mentor (440) 205-2561

Tartan Textiles Service, Youngstown (330) 746-6543

MERCURY-CONTAINING LAMPS AND BALLAST RECYCLERS (July 2010)

Many hazardous waste companies will also pick up lamps and ballasts.

Environmental Specialists, McDonald (888) 331-3443

Fluorescent Recycling, Cleveland (216) 341-1500

Great Eastern Metals, Cleveland (216) 481-4043
Green Light, Canton (330) 280-7806
Lightshot, Cleveland (216) 361-5101
Mayer Associates, Bainbridge Twp. (440) 708-9874
Northcoast, Wickliffe (440) 943-6968
Recycle Midwest, Cleveland (216) 481-9490
Sunpro, North Canton (330) 966-0910 <http://www.sunproservices.com/>

PALLETS (July 2008)

Bischof Pallet, Cleveland (216) 898-1396
Boyas Excavating, Valley View (216) 524-3620 <http://www.boyas.com/>
G&M Pallet, Cleveland (216) 881-1414 <http://www.gmpallet.com/>
Kurtz Bros., Valley View (216) 986-7000 <http://www.kurtz-bros.com/>
Rosby Resource, Brooklyn Heights (216) 739-2220 <http://www.rosbys.com/>
Shipmasters Pallets, Cleveland (216) 341-8994

PLASTIC SHRINKWRAP (November 2011)

Neoshred, Akron (330) 253-8260 <http://www.neoshred.com/neoshred/>

STYROFOAM (July 2011)

Buckeye Industries, Madison, OH 866-339-5744, Eastlake, OH 440-942-1605, Cleveland, OH 216-481-1907
<http://www.newavenues.net/industries/>

TESTING LABORATORIES (August 2011)

EA Group, Mentor (800) 875-3514
GEO Analytical, Twinsburg (330) 963-6990
Precision Analytical, Cleveland (216) 663-0808
Summit Environmental, Cuyahoga Falls (330) 253-8211
TestAmerica, North Canton (330) 497-9396

USED OIL TRANSPORTERS (July 2010)

Akron Canton Waste Oil, Canton (330) 456-5311
Beaver Petroleum, Canton (330) 454-2242
B.B.N. Oil Recycling, Bedford Heights (440) 786-1888
Chemical Solvents, Cleveland (216) 741-9310 <http://www.chemicalsolvents.com>
Chemtron Corp., Avon (440) 937-6348 <http://www.chemtron-corp.com>
Clean Harbors, Cleveland (216) 429-2402
Commercial Ullman Lubricants, Cleveland (216) 441-7200
Dragon Oil, 1740 West 19th St, Ashtabula (440) 224-2534
Everclear, Austintown (888) 888-3208
Enviroclean Services, Wooster (330) 264-8080
Environmental Specialists, McDonald (888) 331-3443
Full Circle Fuels, Oberlin (440) 574-5436
Homan Oil, Cleveland (216) 631-0477
Hukill Chemical Corp., Bedford (440) 232-9400 <http://www.hukill.com>
M&M Oil Recycling, Bedford (440) 439-9402
PennOhio Corporation, Ashtabula (440) 992-7906
Peerless Oil Service, North Olmsted (216) 777-6629
Rice Oil Company, Akron (800) 589-7423 <http://www.zerowaste.cc/>
Safety-Kleen Systems, Brunswick (330) 273-3111

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?

PURPOSE

This educational guideline is applicable to the general public, tire dealers, and scrap tire businesses and addresses an individual's responsibility when handling scrap tires 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 3745-27-54 through 3745-27-79

ARE SCRAP TIRES REALLY A PROBLEM?

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.

ARE USED TIRES ALSO SCRAP TIRES?

Yes. A used tire is a scrap tire because the original owner has discarded it and no longer wants the tire. A used tire is a scrap tire whether it is mounted on a rim or not. A used tire remains a scrap tire until it is installed on a vehicle. Retreadable casings are also scrap tires until a retreading business has accepted and inspected the tire and marked it as suitable for retreading.

WHO IS A SCRAP TIRE GENERATOR?

A scrap tire generator is any individual or business that removes tires from vehicles or stores tires removed from vehicles. Types of generators include: individual citizens; retail tire dealers; service stations; tire retreading businesses; and motor vehicle salvage dealers (MVSD). Also included as scrap tire generators are property owners who possess scrap tires that have been stored or open dumped on their property.

IF I AM A GENERATOR OF SCRAP TIRES, HOW DO OHIO'S SCRAP TIRE RULES APPLY TO ME?

If certain conditions are met, generators typically do not have to register as a "scrap tire facility" under the scrap tire rules. This means that most generators do not have to obtain an annual license or a scrap tire registration from Ohio EPA. To maintain this unlicensed status, the generator must store and handle tires in compliance with the general storage rule, allow only transporters who are registered by Ohio EPA to take tires away, and dispose of tires only at locations approved by Ohio EPA. The table at the end of this document illustrates the requirements that each type of generator must meet in order to remain unlicensed.

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?

HOW DO THE OHIO AND LOCAL FIRE CODES APPLY TO THE STORAGE OF SCRAP TIRES?

The location of a single container holding scrap tires is not specified in the scrap tire rules and should be coordinated with the local fire official. The general fire code, Ohio Administrative Code 1301:7-7-03, **General precautions against fire**, applies to the storage of combustible material such as scrap tires. The location of a single scrap tire pile, multiple scrap tire piles, multiple containers, or any combination is subject to 3745-27-60 of the Ohio Administrative Code.

AS A GENERATOR OF SCRAP TIRES, CAN I STORE THE TIRES ANY WAY I WANT?

No. As indicated on the table on the last page, all generators of scrap tires must store and handle tires in compliance with the general storage and handling rules found in section 3745-27-60 of the Ohio Administrative Code. Although the rule should be read completely by all generators of scrap tires, the rule includes the following main points:

- * Keep the scrap tires dry. If tires are stored outside, they must either be covered or must have mosquito controls applied to prevent mosquitoes from living and breeding in the pile. Tire piles must be separated by appropriate fire lanes and fire lanes must be kept clear of litter, debris and vegetative matter. Lastly, all tires must be kept at least 50 feet from possible ignition sources.
- * Tires must be stored in piles not larger than 2,500 square feet in basal area and in quantities not greater than in the amounts listed in the table on the last page.
- * If dry tires are stored inside a building or in an enclosed container, no additional mosquito controls are necessary. However, aisles of at least eight feet must be maintained between piles, tires

must not be stored within three feet of the ceiling or within three feet of heating ducts and vents, and tires must be kept a minimum of 50 feet from all possible sources of ignition.

AM I ALLOWED TO HAUL SCRAP TIRES TO A RECYCLING (RECOVERY) OR DISPOSAL FACILITY?

As indicated by the table on the last page, you may only haul scrap tires to a recovery or disposal facility if you transport them in loads of 10 or fewer tires. Loads larger than 10 tires must be transported by a transporter who has obtained a valid registration certificate from Ohio EPA. This specifically includes used tires and retreadable casings transported to another tire dealer or tire retreader.

AS A GENERATOR OF SCRAP TIRES, WHAT KIND OF RECORDS DO I NEED TO KEEP?

Generators of scrap tires are required to assist registered transporters by filling out scrap tire shipping papers that will certify the following: 1) the number of tires being shipped; and, 2) that the tires were either dry at the time of pick up, that the tires had been removed from the rim within the past seven days, or that appropriate mosquito controls had been applied to the pile if the tires had been stored outside. This certification will protect the generator by providing proof that the tires were hauled by a registered transporter. Likewise, it will protect the transporter by providing written certification that the tires were handled in a manner that will prevent mosquitoes from being transported from one part of the state to another. The generator should keep copies of shipping paper on file for at least three years.

The file of shipping papers can be used to show compliance with Ohio law. Section 3734.83(C) of the Ohio Revised Code requires that "... no person who possesses scrap tires shall cause them to be transported by any person who is not registered as a transporter..." The penalties for violating this or any section of the Ohio

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?

Revised Code relative to the handling and storage of scrap tires are listed in section 3734.99 of the Ohio Revised Code (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.)

IF A GENERATOR WANTS TO BE A SCRAP TIRE TRANSPORTER, AND DOES NOT MEET ONE OF THE EXEMPTIONS, WHAT IS REQUIRED AND HOW MUCH WILL IT COST?

If a generator wants to be a scrap tire transporter or does not meet one of the scrap tire transporter exemptions, they will be required to submit an application for an annual registration certificate to Ohio EPA's Central Office, and to obtain financial assurance in the amount of \$20,000. Applications can be downloaded from Ohio EPA's Web site at: <http://www.epa.state.oh.us/dsiwm>. There is a \$300 registration fee. See Fact Sheet GD# 640, Standards and Requirements for Scrap Tire Transporters, for additional information.

HOW DO I VERIFY THAT A TRANSPORTER IS REGISTERED WITH OHIO EPA?

Each transporter must carry a current, original registration certificate issued by Ohio EPA. The certificate is printed on copy-proof, colored paper with the Seal of the State of Ohio imprinted on it. Copies of the Ohio certificates are not valid. Scrap tire certificates issued by other states are not valid in Ohio. The list of scrap tire transporters on Ohio EPA's web site, www.epa.oh.state.us, can be checked to verify that the scrap tire transporter is currently registered as an Ohio scrap tire transporter. A registration by any other state is not an acceptable substitute for an Ohio registration.

Failure to use an Ohio registered scrap tire transporter can result in civil or criminal penalties to both the generator and the transporter of \$10,000.00 to \$25,000.00 or imprisonment for 2 to 4 years per Ohio Revised Code Section 3734.99.

Ten or fewer scrap tires may be transported by a non-registered transporter. By using a non-registered scrap tire transporter for loads of more than ten tires, the generator may be participating in open dumping since the illegal hauler may open dump all except the few scrap tires that can be sold as used tires or retreadable casings. By using a non-registered scrap tire transporter, the generator remains liable for any costs associated with the illegal dumping of the tires. The above applies even if the transporter takes the tires for free.

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 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.

How Do Ohio's Scrap Tire Rules Affect Generators of Scrap Tires?

	All Generators of Scrap Tires	Retail Tire Dealers and Service Stations	Tire Retreaders	Motor Vehicle Salvage Dealers *
Must comply with general storage and handling rules?	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>	<u>YES as well as state and local fire codes.</u>
Must use only Ohio EPA registered transporters?	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)	YES (Unless 10 or fewer tires are transported)
What is the maximum number of tires that can be stored on the property to remain an unlicensed scrap tire facility?	100	1,000, if scrap tires are stored in an unsecured, uncovered, outdoor location <i>Any number</i> , if all scrap tires are stored in a secured building or enclosed container.	4,000, if scrap tires are stored in a single, covered scrap tire storage area.	Scrap tires may be stored in a single pile of not greater than 2,500 square feet in basal area and a maximum of 8 feet high.
Must maintain a file of scrap tire shipping papers?	Yes	Yes	Yes	Yes

* Note that a junk yard is not the same as a motor vehicle salvage dealer. A junk yard is not allowed to store more than 100 scrap tires without becoming a licensed scrap tire facility.