



Ohio EPA's Scrap Tire Clean-up Efforts

Purpose

This educational guidance provides information about Ohio EPA's scrap tire clean-up efforts and is intended to provide readers an understanding of the process and funding to clean up scrap tire sites. However, it is only a guide and the appropriate sections of the Ohio Revised Code should be read in their entirety.

Why does Ohio EPA clean up scrap tires?

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. These open dumps create many hazards to public health and the environment. There are two particular concerns.

First, illegally disposed scrap tires, if caught on fire, can create dangerous fires that produce toxic smoke and oils, and are extremely difficult to extinguish. 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.

Property owners, local governments and state agencies have all experienced the economic nuisance of having to pay to collect and properly dispose of scrap tires that were illegally dumped along roadsides, streambeds, parks and natural areas. For years, illegal tire dumpers have undermined the efforts of legitimate recyclers and transporters to properly process scrap tires. However, through the combined efforts of local and state governments and the private sector, scrap tire stockpiles in Ohio are being cleaned up. Currently, it is estimated that more than 43 million tires have been removed from stockpiles or illegal dumps in Ohio since 1998.

How do Ohio's Scrap Tire Laws Allow Ohio EPA to Clean Up Scrap Tires?

Ohio law gives Ohio EPA the authority to regulate scrap tires until they are properly disposed, recycled into another product, or converted into energy. This comprehensive regulatory program governs the transportation, collection, storage, recycling, and disposal of scrap tires. A system requiring the registration of transporters and facility operators, along with a shipping paper system that tracks scrap tire movements, makes it easier for tire dealers, automotive repair shops, gas stations, salvage dealers and other businesses that generate scrap tires to know that they are dealing with legitimate scrap tire businesses rather than illegal dumpers. The law also provides funding for the state to clean up some abandoned scrap tire piles, and enhanced authority for Ohio EPA, local health departments and law enforcement officials to require the responsible parties clean up the tires.

[Ohio's Scrap Tire Management Fund](#)

Ohio's 1993 scrap tire law established funding for tire removal actions. This program is funded by a state fee of one dollar per tire on the sale of new tires. Half of this fee goes into the Scrap Tire Management Fund, while the other half goes to the Soil and Water Conservation District Assistance Fund. This fee is used to fund the clean up of scrap tires through four established programs described below. This funding enabled the State to address the large tire piles constituting the most serious threats to public health and the environment. If possible, scrap tires from these state-funded clean ups are sent to scrap tire recovery facilities for recycling, rather than to scrap tire monofills or monocells for disposal.

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What scrap tire clean-up programs does Ohio EPA administer?

Enforcement efforts

The prime focus of the scrap tire regulatory program is to help regulated entities comply with the law and regulations. The law allows the state to pursue and require the person responsible for the illegally disposed tires to clean them up.

Under the procedure established in the law, Ohio EPA or the local health department must first identify the responsible party, and issue orders requiring them to remove the tires. And in fact, the law requires that Ohio EPA make diligent efforts to require that the responsible party clean up the site before spending any state funds for cleanup. If no action is taken, then Ohio EPA may use state funding to remove the tires and pursue legal action to recover the cost of the cleanup. For example, if the responsible party fails to pay the full cost of the cleanup, a lien may be placed against the property by the Director of Ohio EPA.

Working with local law enforcement officials, local prosecutors and the Ohio Attorney General, the local health department and Ohio EPA can seek either civil or criminal penalties as is appropriate to the case.

"No Fault" Scrap Tire Remediation Program – Assistance For Victims of Tire Dumping

Not every accumulation of scrap tires is cause for an enforcement action. Ohio EPA is aware that private landowners and even local governments can fall victim to illegal tire dumping and are often left with scrap tires that need to be removed. If this has happened to you or your community, Ohio EPA may be able to assist victims of illegal tire dumping. This program was originally created in 1993 along with Ohio's scrap tire laws when the Ohio General Assembly included a provision in the statute that allowed state-funded clean-ups of small tire piles (100 to 2,000 tires) provided that six specific conditions, listed below, were met as described in ORC 3734.85(E). In 2021, the Agency requested and was granted an increase in the number of tires eligible for the program because of the need. Currently the program is open to sites that contain at least 100 scrap tires up to 10,000 tires.

This state-funded scrap tire clean-up program is available to both private and governmental applicants, if the following conditions are met

1. Tires placed after owner acquired title, or tires placed before owner acquired title by bequest or devise;
2. Property owner did not have knowledge of or took actions to prevent tires from being placed on property;
3. Property owner did not participate in or consent to placing the tires on the property;
4. Property owner received no financial benefit;
5. Property title was not transferred to evade liability; and
6. Responsible party who placed tires on the property was not acting as an agent for the property owner.

The number of tires on any parcel must not be less than 100 tires or more than 10,000 tires. The scrap tires may be any size and may be either un-mounted or on rims. Solid wastes and construction and demolition debris commingled in the scrap tires is also removed. If these wastes are at the site but not commingled with the scrap tires, the removal of the waste is at the discretion of the Director of Ohio EPA.

For many county and local governmental entities, this remediation program uses state contractors to remove and dispose of open dumped tires which have been picked up by road crews and/or volunteers from public roadways and alley rights-of-way and during river sweeps. Local governments often store the discarded scrap tires at temporary collection points. At some locations, clean-up costs have been reduced by land owners' efforts to collect and stack tires for pick-up at convenient access points for state

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contractors, and by the use of “community service” and inmate labor to assist the loading of scrap tires into trailers or roll-off containers.

Ohio EPA accepts applications for this program all year long. Applications are available on Ohio EPA's webpage using the following links:

- [No Fault Application for Citizens and Businesses](#)
- [No Fault Application for Counties and Local Governments](#)

Mosquito Control Grant (MCG) Program

The Mosquito Control Grant (MCG) Program is a collaborative effort between Ohio EPA and the Ohio Department of Health (ODH), which began in 2016. The MCG Program was developed to make funding available to entities responsible for implementing mosquito control measures in support of Ohio's efforts to reduce the potential for an outbreak of mosquito-borne diseases such as Zika, West Nile, and La Cross Encephalitis. The fundable activities approved under the MCG Program will help reduce the potential for an outbreak of a mosquito-borne virus and simultaneously reduce the threat that scrap tires and scrap tire dumps pose to human health and the environment.

Ohio EPA's MCG Program provides funds for scrap tire cleanups to help communities reduce mosquito breeding sources by properly disposing of scrap tires. In 2023, the MCG Program provided more than \$127,000 to LHDs and local governments for breeding source reduction. Each year, more than 10,000 scrap tires are collected through cleanups and scrap tire amnesty events funded through the grant. More information about this grant program is available at [MCG Program](#).

Community and Litter Grants

The Community and Litter Grant offers funding to Ohio communities and non-profit organizations to implement tire amnesty collection events. These projects provide an environmentally viable outlet for unwanted scrap tires that will be properly disposed of or processed and directed back into a usable end market. The grant funds equipment, materials and supplies for tire collection/amnesty events and can be used for the transport, recycling and/or disposal of the tires collected. If funded, there is a minimum requirement of \$0.50/per tire collection fee to be paid by participants.

The grants are awarded by Ohio EPA's Division of Environmental and Financial Assistance Recycling and Litter Prevention program in amounts up to \$40,000. Application information and guidelines are available at [Community and Litter Grants](#).

What can be done to reduce the open dumping of scrap tires?

Local efforts to inspect generators of scrap tires, such as tire retailers, garages, trucking firms, and to confirm their use of registered scrap tire transporters and scrap tire shipping papers can reduce open dumping. If illegal transporters can't get scrap tires, they won't be able to illegally dump the scrap tires. Therefore, Ohio EPA has created an education and outreach grant program that focuses on encouraging scrap tire generating businesses to adopt two behaviors that help prevent illegal transporters from obtaining scrap tires – use of a registered scrap tire transporter and securing scrap tires at the place of business.

Health departments and solid waste management districts are eligible to apply for this grant program and can be awarded up to \$20,000 to provide education and outreach to scrap tire generating businesses in a targeted area. More information about this grant program is available at [Scrap Tire Education and Outreach Grant](#).

References

- Ohio Revised Code 3734.85

Contact

To report open dumping and/or get more information about these scrap tire clean-up measures, contact the Central Office Scrap Tire Unit at 614-644-2621.