Waste Sites & Scrap Tires

In Your Community





Overview

- Waste Sites
 - Open Dumping of Solid Waste
 - Illegal Disposal of Construction and Demolition Debris (C&DD)
- But what if it's NOT Open Dumping/Illegal Disposal?
 - Exempt disposal
 - Collectors/ Junk Dealers
 - Littering
 - Polluting State Land
- How Ohio EPA can help:
 - Enforcement
 - Scrap tire removal
 - Grants



Let's Take a Quick Poll





Poll Question

Which best describes you? (more than one can be selected)

- a) Consultant
- b) Government or Non-profit Organization
- c) Business Owner
- d) Environmental Health & Safety
- e) Other



Regulations

- Ohio Revised Code (ORC)
 - The Law
 - Potentially specific about a particular issue
 - Often merely states that the Director may create rules to deal with a particular subject

- Ohio Administrative Code (OAC)
 - The rules based on authority in the law
 - Usually more specific than the law



Open Dumping of Solid Waste





Solid Waste Defined ORC 3734.01(E)

"Solid wastes" means such unwanted residual solid or semisolid material as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from the combustion of coal and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural products made from shale and clay products, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.



Open Dumping Defined ORC 3734.01 (I)

... the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.



Open Dumping Defined OAC Rule 3745-27-01(O)(4)

 Deposition of solid waste (excluding scrap tires) anyplace besides a solid waste facility operating in accordance with ORC 3734.

- For scrap tires specifically, deposition in/on:
 - Waters of the State
 - On the ground anywhere besides an approved facility
 - In buildings, trailers, or vehicles



Open Dumping Prohibited ORC 3734.03

No person shall dispose of solid wastes by open burning or open dumping, except as authorized by the director of environmental protection...



Open Dumping Prohibited OAC 3745-27-05(D)

No person shall conduct, permit, or allow open dumping. In the event that open dumping is occurring or has occurred at a property, the person(s) responsible for the open dumping, the owner of the property, or the person(s) who allow or allowed open dumping to occur, shall promptly remove and dispose or otherwise manage the solid waste in accordance with Chapter 3734. of the Revised Code, and shall submit verification that the solid waste has been properly managed.

Open Dumping Enforcement ORC 3734.07(C)

3734.07(C) The board of health or its authorized representative and the director or the director's authorized representative, upon identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times upon any private or public property, real or personal, to inspect or investigate, obtain samples, and examine or copy any records to determine compliance with this chapter and the rules adopted under it.

Open Dumping Types

- Individual/ community dumping
 - Typically roadside or absentee landowner
- Trash for cash dumps
 - Operates like a (bad) landfill
 - Usually part of a business operation
 - Could be using equipment to move waste
- Commercial / industrial dumpsites
 - Disposal of their own waste generated from the business



Examples – Open Dumping of Solid Waste

INDIVIDUAL/ COMMUNITY DUMPING – COLUMBIANA COUNTY

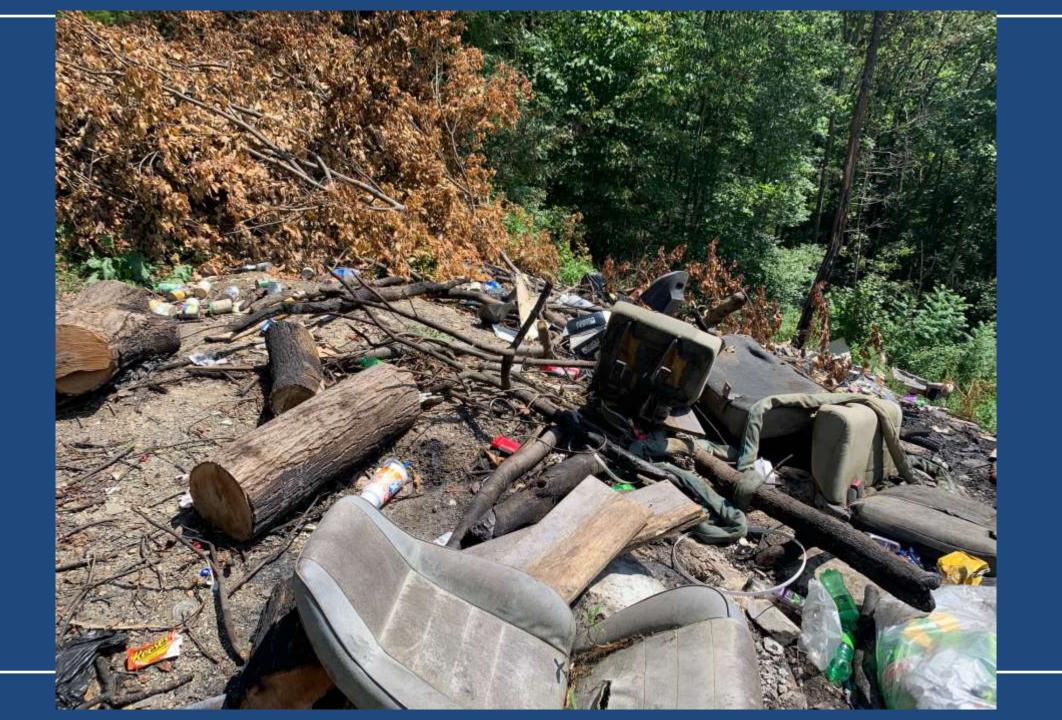














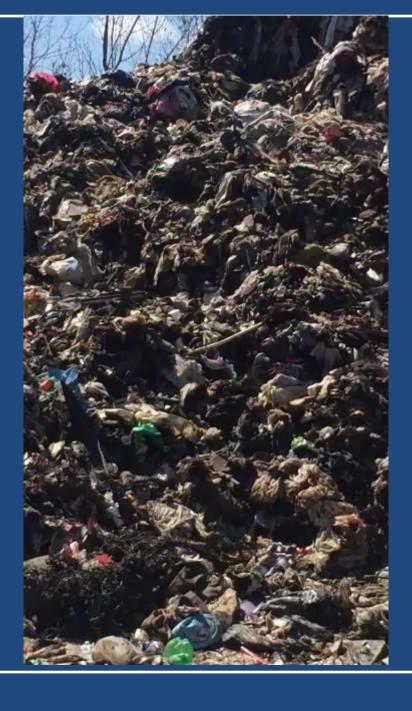




Examples – Open Dumping of Solid Waste

TRASH FOR CASH











Examples – Open Dumping of Solid Waste

COMMERCIAL OR INDUSTRIAL DUMPSITES











Illegal Disposal of C&DD





C&DD Defined ORC 3714.01

"Construction and demolition debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. "Construction and demolition debris" includes particles and dust created during demolition activities. "Construction and demolition debris" does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.



C&DD Defined OAC 3745-400-01

... For the purpose of this definition, "materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure," are those structural and functional materials comprising the structure and surrounding site improvements, such as brick, concrete and other masonry materials, stone, glass, wall coverings, plaster, drywall, framing and finishing lumber, roofing materials, plumbing fixtures, heating equipment, electrical wiring and components containing no hazardous fluids or refrigerants, insulation, wall-to-wall carpeting, asphaltic substances, metals incidental to any of the above, and weathered railroad ties and utility poles.

"Materials resulting from the alteration, construction, destruction, rehabilitation, or repair" do not include materials whose removal has been required prior to demolition, and materials which are otherwise contained within or exist outside the structure such as solid wastes, yard wastes, furniture, and appliances. Also excluded in all cases are liquids including containerized or bulk liquids, fuel tanks, drums and other closed or filled containers, tires, and batteries.



Disposal Defined ORC 3714.01

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any construction and demolition debris into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage.



Illegal Disposal Defined OAC 3745-400-01(I)

"Illegal disposal" means the disposal of construction and demolition debris at any place other than a construction and demolition debris facility operated in accordance with Chapter 3714. of the Revised Code, this chapter, and Chapter 3745-501 of the Administrative Code; a solid waste disposal facility operated in accordance with Chapter 3745-27 of the Administrative Code and licensed in accordance with Chapter 3745-501 of the Administrative Code; or as otherwise authorized by this chapter.



Illegal Disposal Prohibited OAC 3745-400-04(B)

No person shall conduct or allow illegal disposal of construction and demolition debris.



Illegal Disposal Enforcement ORC 3714.05

The board of health of each health district maintaining a program on the approved list under section 3714.09 of the Revised Code shall provide for the issuance of permits to install for and the inspection of, licensing of, and enforcement of standards governing construction and demolition debris facilities under this chapter and rules adopted under it. The director of environmental protection shall provide for the issuance of permits to install for construction and demolition debris facilities, the inspection and licensing of facilities, and the enforcement of standards in health districts that are not on the approved list under that section and may provide for the inspection of the facilities and enforcement of standards in health districts that are on the approved list under that section. Further, the director may provide for the issuance of permits to install in a health district on the approved list if so requested by the applicable board of health under section 3714.051 of the Revised Code.



Illegal Disposal

- Individuals/isolated incidents
 - limited amount of waste
- Contractors
 - Demolition/Handyman/ Roofers etc.
 - Ongoing disposal
- Sham Recycling Operations
 - Large operation, operates like "trash for cash"
 - Pretense of recycling the C&DD



Examples – Illegal Disposal of C&DD

INDIVIDUALS/ISOLATED DISPOSAL





Examples- Illegal Disposal of C&DD

CONTRACTORS









Examples – Illegal Disposal of C&DD

SHAM RECYCLERS











IS IT OPEN DUMPING/ ILLEGAL DISPOSAL OR IS IT....?



Exempt Disposal ORC 3734.02(D)

- Neither this chapter nor any rules adopted under it apply to single-family residential premises...
- ...to the storage of one hundred or fewer scrap tires unless
 they are stored in such a manner that, in the judgment of the
 director or the board of health...the storage causes a nuisance,
 a hazard to public health or safety, or a fire hazard



Exempt Disposal ORC 3734.02(D)

- Typically termed "exempt disposal" Some call it "unclean living."
- Essentially, if the waste is generated & disposed of at a single-family home, then the dumping is not regulated by this statute.
- However, there may be other local ordinances that apply but would need to be addressed at the local level.







Collectors/Junk Dealers

- Legitimate buying and selling, however
 - Usually messy
 - May look similar "unclean living" or Open Dumping
 - No health or environmental nuisance to community
 - Likely need to use discretion, unless prohibited locally



Collectors/Junk Dealers





Littering

- Typically smaller waste amounts along roadways/ streams.
- Numerous "litter laws" exist in Ohio
 - Not enforced by Ohio EPA
 - Generally enforcement occurs at a local level
 - Fines vary but can reach \$500 & 60 days in jail



Open Dumping vs. Littering

As a rule of thumb, we consider a few bags of trash along a roadside to be more of a littering issue.

Open dumping is typically more substantial, usually meaning truckloads of material disposed.











Littering- ORC 3767.32

- No person, regardless of intent, shall deposit litter or cause litter to be deposited on any public property, on private property not owned by the person, or in or on waters of the state...
- Additionally prohibits unauthorized persons from knowingly placing litter into other people's waste receptacles.



Littering- ORC 3767.32

- Who Can Enforce?
 - Sherriff & Deputy Sheriffs
 - Police
 - Wildlife Officers
 - Natural Resources Officers
 - Forest fire investigators
 - County nuisance inspectors
 - Any other law enforcement officer



Littering from a Motor Vehicle ORC 4511.82

• No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard, or deposit litter from any motor vehicle in operation upon any street, road, or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.



Securing Loads on Vehicles ORC 4513.31

- No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom..
- Excludes
 - Sand/salt trucks for road maintenance
 - Farm vehicles transporting agricultural products
 - Waste trucks picking up their load

Littering from a Motor Vehicle & Securing Loads

Who can enforce?

• Any law enforcement officer authorized to enforce the traffic laws.



Littering from a Watercraft Vessel ORC 1547.49

 No operator or occupant of a vessel shall, regardless of intent, throw, drop, discard, or deposit litter from any vessel in operation or control upon or in any waters in this state...



Littering from a Watercraft Vessel ORC 1547.49

- Who Can Enforce?
 - Every sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of any municipal corporation, police constable of any township, wildlife officer, natural resources officer, conservancy district police officer, and other law enforcement officer, within the area of any such law enforcement officer's authority, may enforce this chapter and rules and, in the exercise thereof, may stop and board any vessel subject to this chapter and rules.



Prohibiting polluting state land or water ORC 1531.29

 No person shall place or dispose of in any manner, any garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, or anything else of an unsightly or unsanitary nature on any state owned, controlled, or administered land, or in any ditch, stream, river, lake, pond, or other watercourse, except those waters which do not combine or effect a junction with natural surface or underground waters, or upon the bank thereof where the same is liable to be washed into the water either by ordinary flow or floods....

Prohibiting polluting state land or water ORC 1531.29

- Who Can Enforce?
 - Wildlife Officers
 - Sherriff/ Deputy Sheriff
 - Constables
 - Police
 - "other" police officers



How Can Ohio EPA help?

- For open dumping of solid waste excluding scrap tires and illegal Disposal of C&DD.
 - Generally limited to enforcing Ohio's Solid Waste and C&DD laws
 - Ultimately property owner responsible for waste removal
- For Scrap Tires
 - "No Fault" Removals
 - Enforcement & enforcement removals
- For litter
 - Grants



Scrap Tire Remediation ORC 3734.85

"No-Fault" &

Enforcement Clean-ups



Let's Take a Quick Poll





Scrap Tire Trivia!

Which of the following discarded items are considered a **Scrap Tire** in the Ohio Administrative Code?

- A) Bicycle tire
- B) Lawnmower tire
- C) Forklift tire (Non-Pneumatic)
- D) All of the above
- E) None of the above



Correct Answer

• E. None of the above

-Bicycle, Forklift & Lawnmower tires are not considered "Scrap Tires" under the Ohio Administrative Code.



No-Fault Tire Removal Program

Who Can Apply

- Private Citizens
- Businesses
- Local Governments
- State Government Agencies (OH)

Property Type

- Private Property
- Public Property

Cost

- Free to eligible applicants
- Contingent on available funding

Restrictions

- 100-10,000 tires
- Must meet all statutory criteria



No-Fault Program Eligibility Number of Scrap tires

- No less than 100 scrap tires
- No more than 10,000 scrap tires
 - Specific to tires, not PTEs
 - Local Government applicants may aggregate tires from public properties within their jurisdiction



No-Fault Program Eligibility Statutory Criteria

- Tires placed after owner acquired title, <u>OR</u> tires placed before owner acquired title by bequest or devise;
- 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.



How to Apply

- Submit an Application (email or hard copy)
 - Citizens & Businesses
 - Local Governments
- Apply Online
- All Applications Require
 - Deed
 - Site Map
 - Photos
 - Signature of Property Owner or authorized representative

Ohio EPA Main Page

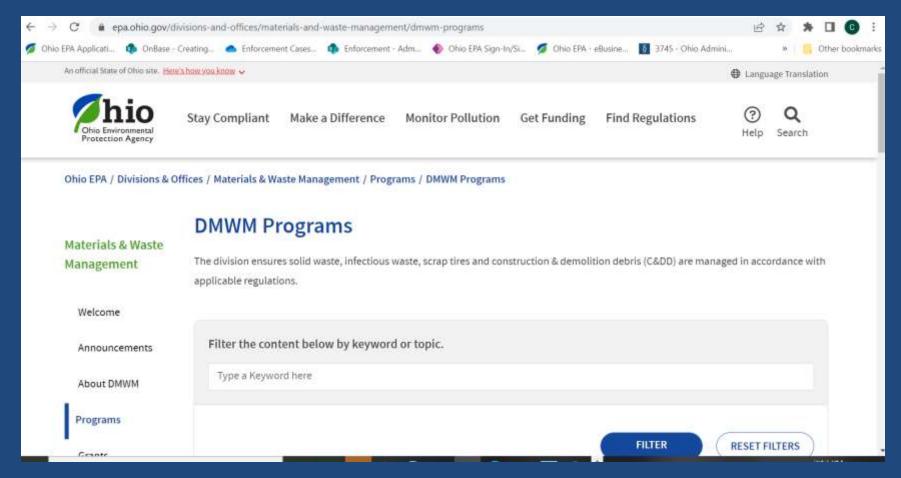




Ohio EPA's Division of Materials and Waste Management (DMWM)

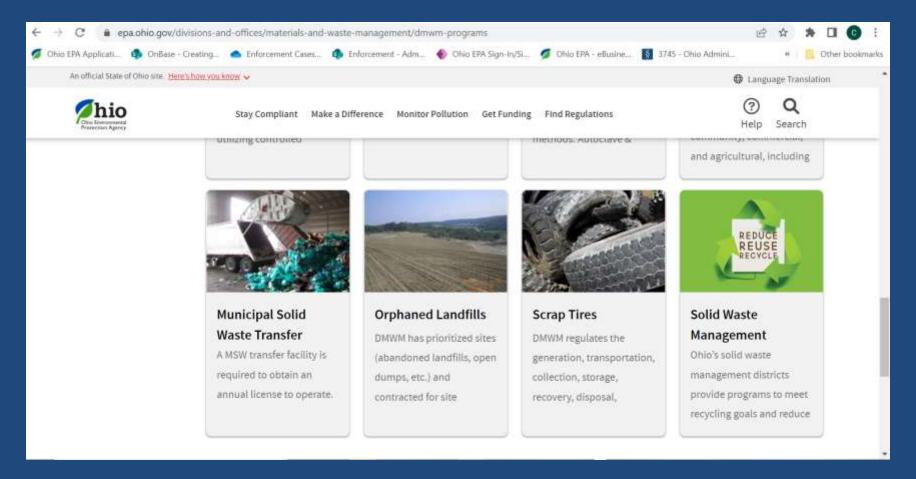


DMWM Programs





DMWM – Scrap Tire Program



Applications



Stay Compliant

Make a Difference

Monitor Pollution

Get Funding

Find Regulati

Ohio EPA / Divisions & Offices / Materials & Waste Management / Programs / Scrap Tires

Scrap Tires

Materials & Waste Management

Welcome

Announcements

About DMWM

Programs

Grants

Guides, Manuals & Forms

Permits, Registrations & Licensing

Reports & Data

Regulations

The Division of Materials and Waste Management regulates the generation, transportation, storage, collection and recovery of scrap tires.

A scrap tire is defined as any unwanted or discarded tire, regardless of size, that has been removed from use. For more information about Ohios scrap tire program, please see the menu below.

Instructions to Apply Online Application Tool for No Fault Scrap Tire Cleanup

Need Scrap Tires Removed? You may qualify for no-cost cleanup! You of n <u>APPLY ONLINE</u> right now or download and fill out a Tire Removed. The found under Forms below.

- No Fault Application for Citizens and Businesses
- . No Fault Application for Counties and Local Governments

We are "Ill accepting applications while working remote", and these should be emailed to <u>Matthew Conrad</u> or you can reach him at (740) 899-8221

REPORT OPEN DUMPING of scrap tires to Ohio EPA's toll-free scrap





Options for Sites that are Not Eligible for No-Fault Clean-ups

- Removal by Responsible Party or Property Owner
 - Hire registered scrap tire transporter
 - Remove in loads of 10 tires or less
 - Obtain an exemption to haul more than 10 tires
- Enforcement
- Enforcement Removal Action



Enforcement Removals 3734.85

- Applicable to accumulations of 100+ tires that do not meet "No-Fault" criteria.
- Requires:
 - Removal order(s) issued by Director of Ohio EPA;
 - Failure of owner/responsible party to clean up in 120 days;
 - Formal access to property (judicial or signed agreement);
 - Lien be placed on the subject property following a removal action.

Scrap Tire Remediation

Free "No Fault" Program

- 100-10,000 tires
- Property owners who meet statutory criteria
 - Private Landowners
 - Local, State and Federal government agencies.
- Requires an application and consent form.
- Applications accepted all year

Enforcement Removals

- 100+ tires
- Responsible Party and/or Property Owner
- Requires an Order from the Director
- Requires access
- Mandatory Cost Recovery



Let's Take a Quick Poll





Scrap Tire Trivia!

How Many scrap tires were remediated for fiscal year 2022 (July 1, 2021 – June 30, 2022)?

- A) 113 Tons
- B) 527 Tons
- C) 1,000 Tons
- D) 1,450 Tons



Correct Answer

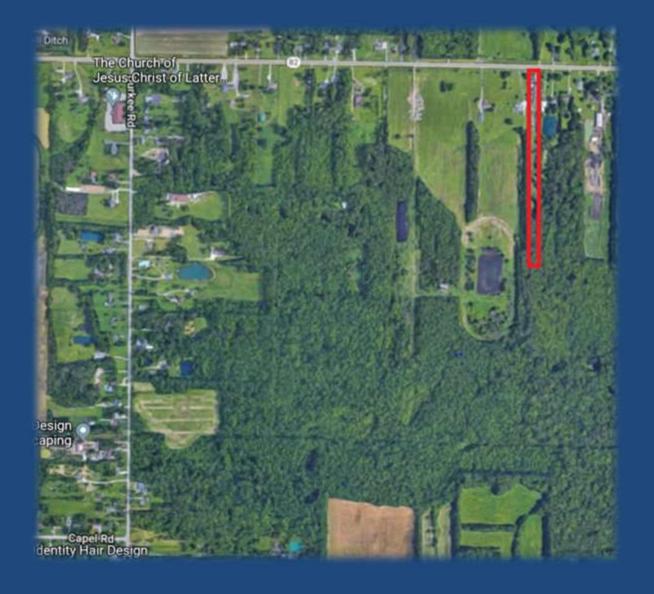
1,450 Tons of Tires



Auto Heaven

ENFORCEMENT REMOVAL































Kirby Tire



Remediation: Most Famous Site

Scrap Tire Remediation Project, Wyandot County Sept 1999



NO FAULT REMOVALS



Let's Take a Quick Poll



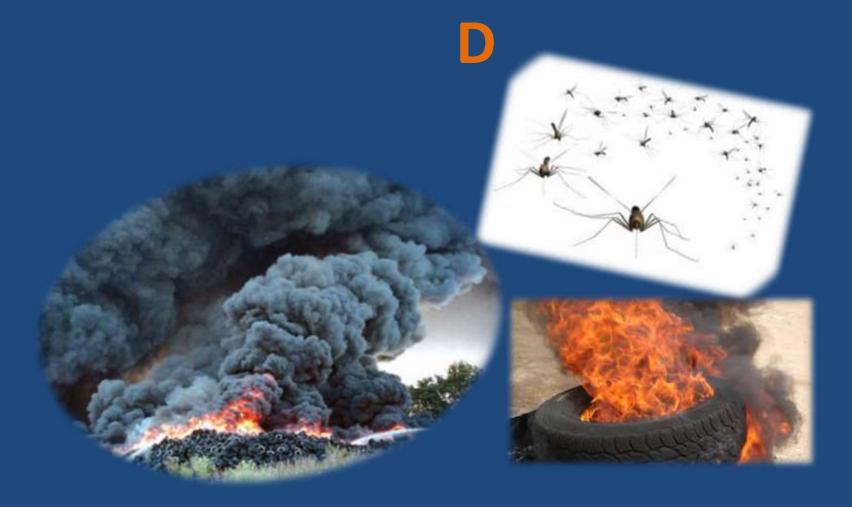
Scrap Tire Trivia!

What are the two main health threats from improperly stored scrap tires?

- A) Fire
- B) Mosquitos
- C) Toxins
- D) A & B
- E) All the above



Correct Answer





ODNR- East Fork State Park

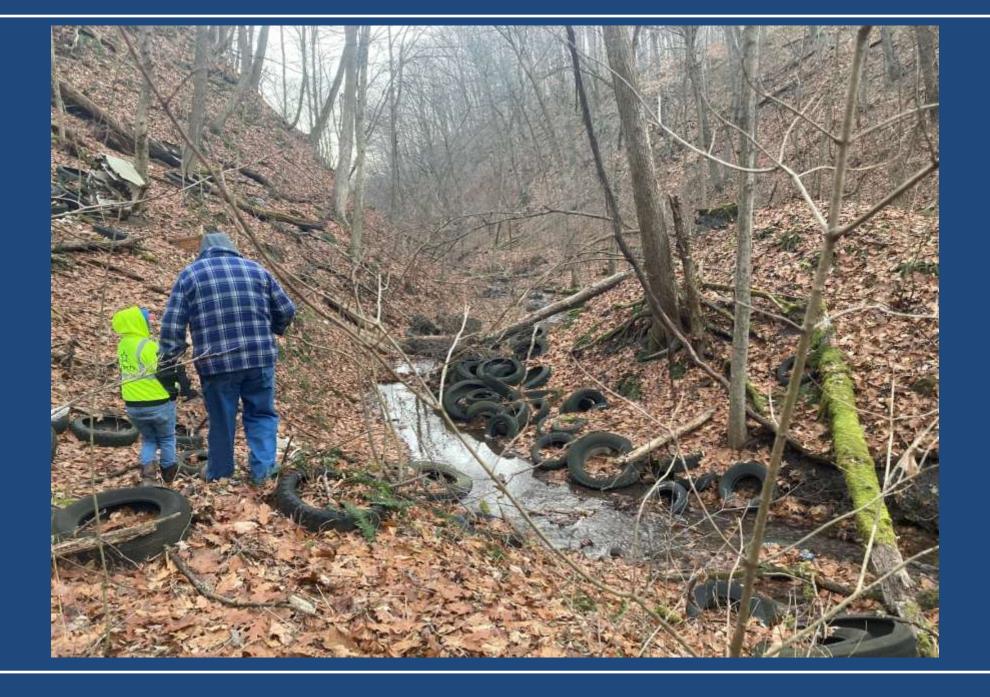


ODNR- East Fork State Park



Columbiana County NE Ohio





Youngstown Mahoning County

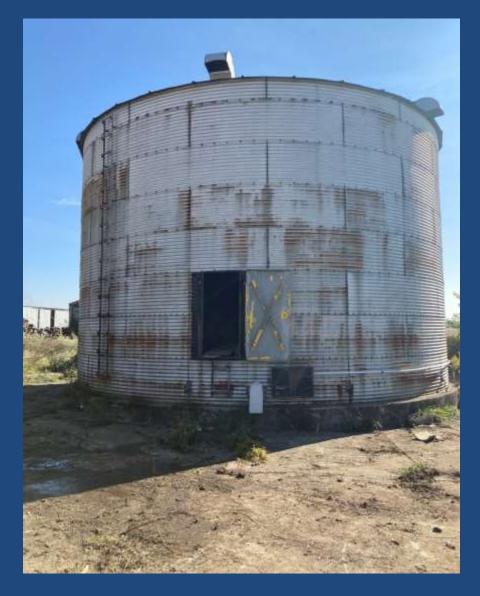


Allen County



Hamilton County SW Ohio









Let's look at the past 8 years!



SFY 15 (75 Projects)

- 332,118 PTE
- Slightly over \$1M

SFY 16 (27 Projects)

- 164,609 PTE
- \$604,437

SFY 17 (96 Projects)

- 1,173,251 PTE
- Slightly over \$2.7M





SFY 18 (56 Projects)

- 204,020 PTE
- \$731,483.
- 2,040 tons

SFY 19 (101 Projects)

- 158,289 PTE
- \$765,141
- 1,583 tons





SFY 20 (150 Projects)

- 137,353 PTE
- \$668,602
- 1,374 tons

SFY 21 (170 Projects)

- 138,242 PTE
- \$415,814
- 1,382 tons





SFY 22 (186 Projects)

- 147,220 PTE
- \$559,883
- 1,472 tons





GRANTS



Recycling & Litter Prevention Community and Litter Grant

- Local governments and nonprofits can receive funding for:
 - Equipment for the collection and processing of recyclables and C&DD
 - Litter collection events
 - Outreach & education
 - Tire amnesty programs



Community and Litter Management Grants Contacts

Application Package Posted on Ohio EPA
 Website

www.recycleohio.gov

Marie Barnett (614) 705-1019Marie.Barnett@epa.ohio.gov

•Dave Foulkes (614) 644-3118 David.Foulkes@epa.ohio.gov



Mosquito Control Grants Contacts

- Application Package Posted on Ohio EPA
 Website under Solid Waste Management Planning
- •Chet Chaney (614) 728-5377 Chet.Chaney@epa.ohio.gov
- •Leanne Greenlee (614) 705-1012 **Leanne.Greenlee@epa.ohio.gov**
- •Jeff Montavon (614) 728-5357

 Jeffrey.Montavon@epa.ohio.gov



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- Carl Mussenden
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- Matt Conrad
 - *****740-899-6227
 - Matthew.Conrad@epa.ohio.gov



Encouraging Environmental Excellence





To learn more, visit epa.ohio.gov/ohioe3. Visit our Customer Support Center at ohioepa.custhelp.com/app/apply to apply.

Encouraging Environmental Excellence (E3)

- Recognizes organizations for exceptional achievements in environmental stewardship
- For businesses, trade associations, professional organizations, non-profits, higher education institutions, etc.



Encouraging Environmental Excellence for Communities (E3C)

- Recognizes communities for exceptional achievements in environmental stewardship
- Open to local governments



Encouraging Environmental Excellence in Education (E4)

- Recognizes schools for their achievements in environmental stewardship and efforts to involve students in environmental topics
- Open to K-12 public or private schools



Upcoming Sessions

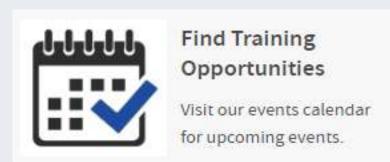
Up Next

- September 20, 10 a.m. 11:00 a.m. → NPDES Permitting New & Proposed Rules and Policies
- September 26-29, October 3-6 → 2022 Virtual Compliance Assistance Conference



Thank you for attending!

Register for Upcoming Sessions











- Looking for training opportunities? Go to our events calendar at: https://epa.ohio.gov/about/media-center/events
- Subscribe to our electronic listserv for training opportunity notifications. Go to: https://ohioepa.custhelp.com/ create an account, go to the option "Subscribe to Updates," then select the option "All Trainings, Webinars and Conferences."
- Did you miss a training? Go to Ohio EPA's YouTube Channel at:
 https://www.youtube.com/user/PIC1049 or https://epa.ohio.gov/divisions-and-offices/environmental-financial-assistance/training to view recordings of sessions.

