



Ohio Administrative Code

Rule 3745-580-103 Criteria for approval, denial, suspension, or revocation of an annual registration certificate for a scrap tire transporter.

Effective: June 30, 2023

(A) An application, notwithstanding any deficiency, may be considered and acted upon if sufficient information is contained in the application for the director to determine whether the criteria set forth in this rule are satisfied.

(B) Approval. The director shall not approve an application for a scrap tire transporter registration certificate unless the director determines all of the following:

(1) The applicant or person listed as the operator of the scrap tire transportation operation is in substantial compliance with, or is on a legally enforceable schedule through issuance of an administrative consent order or judicial consent order to attain compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate. An applicant or person listed as the operator is not in substantial compliance with Chapters 3704., 3714., 3734., and 6111. of the Revised Code if the applicant has committed a significant or material violation of an environmental law or has committed numerous, other violations of environmental laws such that the violations reveal a practice of noncompliance with environmental laws.

(2) The applicant or person listed as the operator has maintained a history of compliance with Chapters 3704., 3714., 3734., 3745., and 6111. of the Revised Code by resolving all administrative and judicial enforcement actions that were brought against them that were based on a significant or material violation of an environmental law, or were based on numerous, other violations of environmental laws that revealed a practice of noncompliance with environmental laws at scrap tire transportation operations, construction and demolition debris facilities, construction and demolition debris processing facilities, or solid waste facilities they own or operate or at scrap tire transportation operations they have previously owned or operated. For purposes of this rule, an enforcement action has been resolved if the operator has entered into an administrative consent order or judicial consent order with regard to the violation of environmental laws, or the operator has adjudicated the issue of



whether it is in violation of environmental laws to finality.

(3) A financial assurance instrument has been executed and funded in accordance with rule 3745-580-23 of the Administrative Code.

(4) Siting criteria. The scrap tire transporter sorting areas are not located within the following:

(a) A park.

(b) One thousand feet from the boundaries of the following natural areas:

(i) Areas designated by the Ohio department of natural resources as either a state nature preserve, a state wildlife area, or a state wild, scenic or recreational river area, including areas designated by section 1517.05 or 1547.81 of the Revised Code.

(ii) Areas designated, owned, and managed by the Ohio history connection as a nature preserve.

(iii) Areas designated by the United States department of interior as either a national wildlife refuge or a national wild, scenic, or recreational river.

(iv) Areas designated by the United States forest service as either a special interest area or a research natural area in the Wayne national forest.

(c) Two hundred feet from stream segments designated by Ohio EPA as either a state resource water, a coldwater habitat, or an exceptional warmwater habitat.

(5) Fifty feet from buildings not owned or leased by the scrap tire transporter or fifteen feet from buildings owned or leased by the scrap tire transporter.

(6) The scrap tire sorting areas are in compliance with rule 3745-580-110 of the Administrative Code or an approved scrap tire facility permit or registration certificate, if applicable.

(C) Denial. The director may deny an application for a registration certificate for any of the



following reasons:

(1) Any of the criteria in paragraph (B) of this rule that are applicable to the transporter are not met.

(2) The registration certificate application is incomplete and the applicant has not corrected noted deficiencies identified by the director and resubmitted the application not later than thirty days after receipt of the notice of deficiency.

(3) Falsification of any material information that is required to be submitted to the director as part of the registration certificate application.

(D) Suspension, revocation, or denial of an existing registration certificate.

(1) The director may suspend, revoke, or deny a scrap tire transporter registration certificate if the scrap tire transporter fails to do any of the following:

(a) Submit a complete and accurate annual report in accordance with rule 3745-580-115 of the Administrative Code.

(b) Comply with orders issued by the director to remove and properly dispose of scrap tires that were managed in accordance with the following:

(i) Delivered by the transporter to a location not authorized under this chapter to receive scrap tires.

(ii) Disposed of by the transporter in a manner that constitutes open dumping.

(c) Comply with rule 3745-580-31 of the Administrative Code where either of the following has occurred:

(i) A fire involving the vehicle utilized by the scrap tire transporter and the scrap tires the vehicle was hauling.

(ii) Open burning of scrap tires at any of the locations described in paragraph (D)(1)(b) of this rule.



(2) The director may deny or revoke a registration certificate if the director concludes at any time that any applicable laws have been or are likely to be violated.

(E) Upon notice that a scrap tire transporter registration certificate has been denied in accordance with paragraph (D) of this rule, the scrap tire transporter shall conduct closure in accordance with rule 3745-580-125 of the Administrative Code.