



## Ohio Administrative Code

### Rule 3745-580-22 Closure cost estimate, post closure care cost estimate, and financial assurance for scrap tire facilities and scrap tire transporters.

Effective: June 30, 2023

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For the purposes of this rule, "owner or operator" means the owner or operator of a scrap tire transportation business, the owner or operator of a scrap tire storage facility, the owner or operator of a scrap tire recovery facility, the owner or operator of a mobile scrap tire recovery facility, the owner or operator of a scrap tire monocell, or the owner or operator of a scrap tire monofill.

[Comment: Financial assurance information is submitted as part of a permit to install or registration certificate application for a new scrap tire facility, a modification that increases the closure cost estimate of an existing scrap tire facility, a modification that increases the post-closure care cost estimate of an existing scrap tire facility, or an alteration to a scrap tire facility that changes the amount of scrap tires or scrap tire product stored. For a scrap tire transporter, financial assurance information is executed and funded as part of an initial registration certificate application.]

(A) Exclusions. The owner or operator of the following scrap tire facilities are excluded from the requirements of this rule:

(1) A scrap tire collection facility.

(2) A scrap tire monocell facility operating in accordance with rule 3745-580-600 of the Administrative Code.

(B) Closure cost estimate. The owner or operator shall prepare a closure cost estimate in accordance with the following criteria:

(1) For a scrap tire storage facility or a scrap tire recovery facility, a written closure cost estimate identifying the cost for a third party to conduct closure at the point in the operating life of the facility when the extent and manner of operation would make closure the most expensive. Ohio EPA may review, approve, or require revisions to the closure cost estimate or to the closure financial assurance instrument. Using the conversion factors contained in rule 3745-580-09 of the Administrative Code,



the owner or operator shall calculate the closure cost estimate in current dollars and as follows:

(a) For a class I or class II scrap tire storage facility, a minimum of one dollar per passenger tire equivalent for the maximum number of scrap tires authorized to be stored at the facility.

(b) For a class I or class II scrap tire recovery facility, the sum of the following for the maximum number of scrap tires authorized to be stored at the facility:

(i) For whole scrap tires including baled tires and rough tire shreds, a minimum of one dollar per passenger tire equivalent.

(ii) For processed scrap tires other than baled tires and rough tire shreds that meet the definition of a scrap tire, the cost for removal and transportation to a scrap tire monocell or monofill facility and disposal of the maximum amount of processed tires to be stored at the scrap tire recovery facility.

(iii) For all other processed scrap tires including component parts, partially assembled and fully assembled products made from scrap tires, scrap tire by-products, and scrap tire residuals, the cost of removal and transport from the scrap tire recovery facility to a recycling facility or the cost of removal, transport, and disposal from the scrap tire recovery facility to a solid waste disposal facility prior to closure of the scrap tire recovery facility.

(2) For a scrap tire transporter, equal to the amount specified in section 3734.74 of the Revised Code.

(3) For a mobile scrap tire recovery facility or mobile scrap tire recovery equipment operated by a licensed class I or class II scrap tire recovery facility at a site other than the scrap tire recovery facility's licensed site, equal to fifty thousand dollars.

(4) For a scrap tire monofill facility, an itemized written closure cost estimate in current dollars identifying the cost for a third party to conduct closure at the point in the operating life of the facility when the extent and manner of its operation would make the closure the most expensive. Ohio EPA may review, approve, or require revisions to the closure cost estimate or to the closure financial assurance instrument.



(C) Post-closure care cost estimate for a scrap tire monofill facility. The owner or operator of a scrap tire monofill facility shall prepare a written post-closure care cost estimate in current dollars, identifying the cost for a third party to conduct post-closure care.

(D) Closure cost estimate review. The owner or operator of a scrap tire facility shall review and make appropriate revisions to the closure cost estimate as follows:

(1) For a scrap tire monofill facility, annually adjust the closure cost estimate by multiplying it by the preceding February inflation factor derived from the annual implicit price deflator for gross domestic product as published by the U.S. department of commerce.

(2) For a scrap tire storage facility and scrap tire recovery facility, annually.

(3) As part of the submittal for a permit to install or a registration application for a modification to an existing scrap tire facility.

(4) Upon concurrence of an alteration to an existing scrap tire facility.

(5) Whenever a change at the facility increases the cost of closure. The review shall take into consideration changes to the storage capacity.

(E) Post-closure care cost estimate review. The owner or operator of a scrap tire monofill facility shall review and make appropriate revisions to the post-closure care cost estimate as follows:

(1) Annually to adjust the post-closure care cost estimate by multiplying it by the preceding February inflation factor derived from the annual implicit price deflator for gross domestic product as published by the U.S. department of commerce.

(2) As part of the submittal for a permit to install for a modification to an existing scrap tire monofill facility.

(3) Whenever a change in the post-closure care activities increases the cost of post-closure care.



(F) Whenever a revision performed as specified in paragraphs (D) or (E) of this rule results in an increase to the closure cost estimate or post-closure care cost estimate, the owner or operator shall ensure the financial assurance instrument is increased in accordance with rule 3745-503-05 or 3745-503-10 of the Administrative Code, as applicable.

(G) The owner or operator of a scrap tire storage facility or scrap tire recovery facility may request a reduction in the financial assurance if the owner or operator reduces the size of the scrap tire storage areas.

(H) The owner or operator shall ensure financial assurance instruments account for increases in the closure cost estimate and that sufficient financial assurance is available for closure activities at all times during the operating life of the scrap tire facility and until the facility is certified closed.

(I) For a scrap tire monofill facility, the owner or operator shall ensure financial assurance instruments account for increases in the post-closure care cost estimate and that sufficient financial assurance is available at all times during the post-closure care period, until the post-closure care period ends.

(J) The director may require revisions to the closure cost estimate, post-closure care cost estimate, or financial assurance instrument if the director determines that the cost of closure or post-closure care exceeds the cost estimate or the amount of the financial assurance instrument.

(K) Paragraph (B)(1) or (B)(4) of this rule is not applicable to the owner or operator if the closure cost estimate is five thousand five hundred dollars or less.