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Ohio Administrative Code

Rule 3745-27-57 Shipping paper system for scrap tires.

Effective: November 1, 2007

(A) Applicability.

(1) The shipping papers shall be used by the following:

(a) All registered scrap tire transporters.

(b) All licensed owners or operators of scrap tire facilities.

(2) Transporters, who are not required to register as a scrap tire transporter, shall assist the scrap tire generator or owner or operator of a scrap tire facility in completing the shipping papers, when requested.

(3) Individuals or businesses, who generate scrap tires but are not required to register as a scrap tire transporter or scrap tire facility, shall provide the registered transporter or licensed facility owner or operator the information needed to complete the shipping papers.

(4) All registered scrap tire transporters and all licensed owners or operators of scrap tire facilities shall provide a completed copy of the shipping paper to the scrap tire generator or scrap tire transporter, who was involved in the scrap tire transaction and requests a copy.

(5) All scrap tire shipments, including used tire shipments, of more than ten tires shall be documented on shipping papers by the generator, the transporter, and the recipient of the scrap tires.

(B) Description.

Shipping papers shall be used to document the transportation of scrap tires to or from destinations in the state of Ohio. The shipping paper shall be filled out at the time of each transaction and copies shall be retained in accordance with paragraph (E) of this rule by all parties involved in the

transaction. If a shipping paper other than the "Ohio EPA Shipping/Receiving Form" is used, it shall include the statement that: "This form is equivalent to the Ohio EPA Shipping/Receiving Form" and shall include the scrap tire transporter's or facility's name and address as preprinted information.

(1) A shipping paper or "Ohio EPA Scrap Tire Shipping/Receiving Form," a two-part or three-part carbonless paper form, shall be used as a receipt in either of the following two situations:

(a) As a shipping receipt, for a transaction between the transporter and the individual or business asking the transporter to remove the scrap tires.

(b) As a receiving receipt, for a transaction between the transporter and the individual or business accepting delivery of the scrap tires.

Either the two-part or three-part shipping paper may be used for any scrap tire transfer. The section of the three-part form not used in a transaction shall be marked as not applicable.

(2) The two-part shipping paper is designed for scrap tire transporters who sort the scrap tires they pick up from a scrap tire generator and deliver the sorted scrap tires to more than one destination. These destinations may include multiple used tire dealers or multiple licensed scrap tire facilities. A separate two-part shipping paper shall be used:

(a) To document the transaction between the scrap tire generator and the scrap tire transporter.

(b) To document the transaction between the transporter and the recipient of the scrap tires.

(3) The three-part shipping paper is designed for transporters who take all of the scrap tires they collect to a single end destination. A single three-part form may document the entire movement of scrap tires by the transporter from a generator to a recipient of the scrap tires. As an alternative to the three-part form, two-part forms may be used as described above.

(4) These shipping papers create a record of the scrap tires being transported. The forms are prescribed by the director, and equivalent forms may be used as long as the forms include all of the information listed in paragraph (D) of this rule.

(C) When to complete.

Shipping papers shall be completed when one of the following occurs:

(1) A registered scrap tire transporter picks up scrap tires from any source. A copy of the shipping papers shall accompany each shipment of scrap tires described on the shipping papers.

(2) A licensed scrap tire facility receives scrap tires from any source or ships scrap tires to another location. The facility owner or operator shall complete all applicable sections of a shipping paper and offer a copy of it to the individual or business, who delivered scrap tires to the licensed facility or removed scrap tires from the facility.

(3) A scrap tire facility, not required to be registered or permitted in accordance with rule 3745-27-61 or 3745-27-63 of the Administrative Code, ships or receives any scrap tires.

(D) How to comply with the shipping paper system.

The persons listed in paragraph (A) of this rule shall take the following actions:

(1) When picking up scrap tires, the shipping paper shall be completed with entries equivalent to the entries described below:

(a) The transporter and the generator of the scrap tires shall complete all applicable sections of the shipping paper. The scrap tire generator shall verify that the scrap tire transporter has a current, original Ohio scrap tire transporter registration certificate in possession if the scrap tire transporter is picking up more than ten scrap tires from the scrap tire generator.

(b) The scrap tire transporter and scrap tire generator shall agree to the estimate of total quantity and percentage of scrap tires being transferred and enter this information on the form.

(c) The scrap tire transporter and scrap tire generator shall sign the form and keep a copy on file for a minimum of three years.

(d) All entries on the form shall be legible and complete.

(e) A completed copy of the form shall accompany all shipments of scrap tires.

(2) When delivering scrap tires, the shipping paper shall be completed with entries equivalent to the entries described below:

(a) The transporter and the receiver shall complete all applicable sections of the shipping paper. The receiver can be another registered transporter or any of the facilities listed in paragraph (C)(1) of rule 3745-27-56 of the Administrative Code.

(b) The transporter and receiver shall agree to the estimate of total quantity and percentage of scrap tires being transferred and enter this information on the form.

(c) The transporter and receiver shall sign the form and keep a copy on file for a minimum of three years.

(d) All entries on the form shall be legible and complete.

(3) When using a two-part form, one form shall be completed when scrap tires are picked up and a second form when scrap tires are delivered. One copy of the form shall be retained by the transporter for the transporter's records and the other copy shall be retained by the person who either shipped scrap tires with the transporter or received scrap tires from the transporter. If the scrap tires are sorted or graded and delivered to multiple destinations, a separate two-part form shall be completed for each recipient.

(4) When using a three-part form, the applicable sections shall be completed at each step of the transaction. The generator of the scrap tires shall retain a copy at the time of the shipment of the scrap tires with only the generator and transporter sections of the form completed. The scrap tire transporter and the scrap tire receiver shall retain copies with all entries complete. There is no requirement to return an additional copy to the scrap tire generator with the scrap tire receiver information section completed.

(5) The "Ohio EPA Scrap Tire Shipping/Receiving Form" or an equivalent form shall be completed as follows:

(a) Be legible and complete.

(b) Be signed and dated by both parties to the transaction before the scrap tires are removed from the premises where generated or before the transporter leaves the delivery point.

(c) Contain, at a minimum, the following information:

(i) The quantity in number, weight (tons), or volume (cubic feet) of the scrap tires being transported (clearly define the unit of measure).

(ii) An estimate of the percentage of scrap tires in each of the following three categories: (a) passenger car tires, (b) truck tires, and (c) all other tires.

(iii) A certification that the scrap tires were free of water when collected or had been properly treated for mosquito control within the previous two weeks or that the scrap tires had been removed from a wheel within the past seven days.

(iv) The name and dated signature of the individual transporting the shipment, the transporter's company address and telephone number, the transporter's scrap tire registration certificate number, and the transporter's vehicle license plate number and trailer license plate number (if applicable).

(v) The name and dated signature of the scrap tire source or recipient, the address including county name and telephone number of the premises where the scrap tires were generated or delivered to, and, if applicable, the scrap tire facility registration number or permit number, or beneficial use number or the applicable paragraph number from rule 3745-27-78 of the Administrative Code.

(E) Records retention.

All scrap tire generators, scrap tire facilities, scrap tire transporters, and any other facilities that

generate or accept scrap tires shall retain a copy of all completed shipping papers for a minimum of three years. All shipping papers shall be retained at the principal place of business and shall be available for inspection during normal business hours by Ohio EPA or the local health department. The three-year period for retention shall start from the date the shipping paper was completed. Record retention periods shall be extended during the course of any unresolved litigation, or when a specific written request is made by Ohio EPA or the local health department, or as required by a court or administrative order.