

SECTION .1100 - SCRAP TIRE MANAGEMENT

15A NCAC 13B .1101 DEFINITIONS

The definitions in G.S. 130A-309.53 and the following definitions shall apply throughout this Section:

- (1) "Disposal site" means any place at which scrap tires are disposed of by sanitary landfill or incineration.
- (2) "Processing" means chopping, chipping, shredding, slicing, cutting, stamping, dyeing, pyrolyzing, or other physicochemical processing of scrap tires either for disposal or production of useable materials.

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
Readopted Eff. December 1, 2018.

15A NCAC 13B .1102 APPLICATION FEE AND ANNUAL PERMIT FEE

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
Repealed Eff. December 1, 2018.

15A NCAC 13B .1103 GENERATOR OF SCRAP TIRES

No person shall discard, deposit, or dispose of a scrap tire except at a site or facility permitted to receive scrap tires under these Rules, or at a business exempt from a permit under G.S. 130A-309.57(d).

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
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15A NCAC 13B .1104 GENERAL CONDITIONS

- (a) Landfilling of whole scrap tires is prohibited. Shreds or portions of scrap tires less than half of a whole scrap pneumatic tire shall be suitable for landfilling.
- (b) The owner or operator of a scrap tire disposal site or processing facility may submit a request to the Division to use a scrap tire disposal or processing method other than the disposal methods in G.S. 130A-309.58. The request shall be included with a permit application or renewal submitted to the Division in accordance with Rule .1106 of this Section, and shall be approved by the Division if the owner or operator demonstrates that the proposed method meets the following conditions:
 - (1) is protective of human health and the environment;
 - (2) does not create a nuisance or safety hazard; and
 - (3) complies with the requirements of this Subchapter.
- (c) Scrap Tire Certification Forms in accordance with G.S. 130A-309.58(f) shall be obtained from the Division website at <https://deq.nc.gov/about/divisions/waste-management>.

History Note: Authority G.S. 130A-309.57; 130A-309.58;
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15A NCAC 13B .1105 PERMIT REQUIRED

- (a) No person, other than a person exempted by G.S. 130A-309.57(d), shall establish, operate or maintain, or allow to be established, operated or maintained upon land owned, leased, or otherwise controlled by that person, a scrap tire collection site or scrap tire disposal site unless a permit for the site has been obtained from the Division.
- (b) Applications for permits submitted in accordance with Rule .1106 of this Section shall be forwarded to the Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Raleigh, North Carolina 27699-1646.
- (c) A permit is issued to the permit applicant for a particular site and shall not be transferable.

(d) Trailers and covered roll-off containers used as scrap tire collection facilities are exempt from the requirements of Rule .1106(c) of this Section with the exception of Subparagraphs (c)(3) and (c)(5) of this Rule.

(e) Scrap tire collection sites operated by units of local government are exempt from the financial responsibility requirements established in Rule .1111 of this Section.

*History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
Readopted Eff. December 1, 2018.*

15A NCAC 13B .1106 SCRAP TIRE COLLECTION SITE PERMIT REQUIREMENTS

(a) A scrap tire collection site permit shall be issued for a period of five years. Permit renewal applications shall be submitted to the Division not less than 60 days prior to the expiration date of the permit.

(b) A permit shall specify the storage limit for a scrap tire collection site.

(c) Scrap tire collection sites shall meet the following siting and design requirements for a permit to be issued:

- (1) a site shall not be located within either the 100-year floodplain or 100 feet of any surface water; A site shall not be located within any wetland as defined in the Federal Clean Water Act, section 404(b)(1), which is hereby incorporated by reference, including any subsequent amendments or additions.
- (2) a site shall maintain a 50-foot buffer between all property lines and scrap tire storage areas;
- (3) the site shall be served by an access road that shall be kept passable at all times for any motor vehicle, including fire trucks;
- (4) the site shall be designed to prevent standing water on-site and prevent off-site drainage problems;
- (5) access to the site shall be controlled to prevent unauthorized entry through the use of barriers such as fences, gates, or berms; and
- (6) the site shall be designed to prevent liquid runoff from a potential tire fire from entering any surface water.

(d) The following information shall be submitted to the Division in an application for a scrap tire collection site permit:

- (1) name and location of proposed facility, including street address or state road number, city, county, and zip code;
- (2) name, address, telephone number, and signature of site operator;
- (3) name, address, telephone number, and signature of property owner, and a copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner's name;
- (4) a map or aerial photograph showing the area within one-fourth mile of the site, and identifying the following:
 - (A) the property owned or leased for use as a scrap tire collection site by the applicant; and
 - (B) the location of all homes, buildings, public or private utilities, roads, wells, water courses, floodplains, and other details regarding the topography;
- (5) a description of the operation of the facility;
- (6) quantity of tires, expressed in tons, for the following:
 - (A) the quantity expected to be received per month from each source;
 - (B) the quantity expected to be shipped off-site per month; and
 - (C) the quantity expected to be stored on-site.
- (7) plans for disposition of all tires collected at the site, including the names, addresses, and permit information, if applicable, of all facilities where the tires will be recycled, processed, or disposed;
- (8) the projected date of commencing operation;
- (9) a description of how any waste resulting from the operation of the tire site will be disposed;
- (10) a description of how the scrap tire collection site will meet the siting and design requirements of Paragraph (c) of this Rule;
- (11) a letter stating that this use complies with local zoning from the unit of local government having zoning authority over the site. If no zoning is applicable, the unit of local government shall provide documentation to that effect;
- (12) a letter from the local fire protection authority accepting the responsibility for fire protection services and an annual fire safety survey for the site;
- (13) a description of how the scrap tire collection site will meet the operational requirements of Rule .1107 of this Section;

- (14) documentation of the operator's ability to meet the financial responsibility requirements of Rule .1111 of this Section;
- (15) documentation that all processors or recyclers have access to a disposal site that is permitted to receive scrap tires; and
- (16) documentation from the Division of Energy, Land, and Mineral Resources within the Department stating that the planned site use and operations comply with the requirements of the Sedimentation Pollution Control Law (15A NCAC 04).

*History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
Readopted Eff. December 1, 2018.*

15A NCAC 13B .1107 SCRAP TIRE COLLECTION SITE OPERATIONAL REQUIREMENTS

Scrap tire collection sites shall meet the following operational requirements:

- (1) Owners and operators of collection sites that process scrap tires shall submit to the Division an annual report by August 1 of each year, for the previous calendar year. The report shall be submitted on a form prescribed by the Division. The following information shall be included in the report:
 - (a) the facility name, address, and permit number;
 - (b) the year covered by the report;
 - (c) the total quantity and type of scrap tires or processed tires received at the facility during the year covered by the report;
 - (d) the total quantity and type of scrap tires or processed tires shipped from the facility during the year covered by the report;
 - (e) the quantity of scrap tires or processed tires shipped to each receiving facility identified by name and address; and
 - (f) the total quantity and type of scrap tires or processed tires located at the facility on January 1 of the year covered by the report.
- (2) All scrap tire collection, processing, or disposal sites that store scrap tires or processed tires outdoors shall comply with the following technical and operational standards:
 - (a) Whole scrap tires shall be placed in an outdoor scrap tire pile(s) having dimensions no greater than 200 feet in length, 50 feet in width, and 15 feet in height.
 - (b) A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire pile. Access to the fire lane for emergency vehicles shall be unobstructed and passable at all times.
 - (c) The owner or operator of any scrap tire collection site shall control mosquitoes and rodents to protect the public health and welfare. Whole and partial scrap tires capable of holding water shall be covered upon receipt with a water shedding material or disposed of, processed, or removed from the site within ten days of receipt. Sliced scrap tires stacked concave-side down shall not be required to be covered. The Division may approve other methods of rodent and mosquito control, if the owner or operator submits a request for the proposed method in writing to the Division, and demonstrates the effectiveness of this method to be protective of public health and the environment, and to comply with the requirements of this Subchapter.
 - (d) If the scrap tire collection site receives tires from persons other than the operator of the site, a sign shall be posted at the entrance of the site and the sign shall state the operating hours. An attendant shall be present when the site is open for receipt of tires.
 - (e) No operations involving the use of open flames, blow torches, or flammable substances shall be conducted within 50 feet of a scrap tire or processed materials pile.
 - (f) A fire safety survey shall be conducted annually by local fire protection authorities that accepted responsibility for fire protection services in the letter submitted in accordance with Rule.1106(d)(12) of this Section.
 - (g) Communication equipment shall be maintained at the scrap tire collection site to assure that the site operator is able to contact local fire protection authorities in case of a fire.
 - (h) Debris, grass, underbrush, and other potentially flammable vegetation shall not be within 10 feet of scrap tires or processed materials.

- (i) The operator of the scrap tire collection site shall prepare and keep an emergency preparedness manual at the site. The manual shall be updated at least once a year, or upon changes in operations at the site. The manual shall contain the following elements:
 - (i) a list of names and numbers of persons to be contacted in the event of a fire, flood, or other emergency;
 - (ii) a list of the emergency response equipment at the scrap tire collection site, its location, and how it should be used in the event of a fire or other emergency;
 - (iii) a description of the procedures to be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires; and
 - (iv) a listing of all hazardous materials stored on-site, their location, and information regarding precautions.
- (j) The operator of the scrap tire collection site shall within 24 hours notify the Division in the event of a fire or other emergency if that emergency has potential off-site effects. Within two weeks of any emergency involving potential off-site impact, the operator of the site shall submit to the Division a written report describing the cause(s) of the emergency, actions taken to deal with the emergency, results of the actions taken, and an analysis of the success or failure of these actions.
- (k) The operator of the scrap tire collection site shall maintain the following records and make them available for inspection by the Division at the Division's request:
 - (i) a copy of the permit;
 - (ii) records of the quantity of scrap tires and processed tires received at the site, stored at the site and shipped from the site, including destination (name and address of facility); and
 - (iii) all certification forms applicable to any tires received, stored, or shipped from the site.
- (l) Unless otherwise specified by the Division in the facility permit, the number of scrap tires stored at a scrap tire collection site shall not exceed 60,000 tires on site at any time and shall not exceed the stated number of scrap tires shipped off-site per month plus the stated number of scrap tires disposed of on-site per month, except that the storage limit for collection sites associated with scrap tire processing facilities shall be determined by multiplying the daily through put of the processing equipment used by 30.
- (m) A scrap tire processing facility shall not accept any scrap tires for processing above the number that may be processed daily if it has reached its storage limit. At least 75 percent of both the scrap tires and processed tires that are delivered to or maintained on the site of the scrap tire processing facility site shall be processed and removed for recycling or disposal at a solid waste management facility permitted by the Division to receive such waste within one year of their receipt.
- (n) The temperature of any above ground piles of compacted, processed tires over 1,000 cubic yards in size shall be monitored and shall not exceed 300 degrees Fahrenheit. Temperature control measures shall be instituted so that pile temperatures do not exceed 300 degrees Fahrenheit. Temperature monitoring and controls shall not be required for processed tires disposed of in sanitary landfills permitted by the Division to receive such waste.
- (o) The operator of the scrap tire collection site shall prepare and keep a contingency plan stating disposal methods or other means to handle tires during adverse weather, equipment failure, or other conditions that cause the site to be unavailable.

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 Eff. October 1, 1990;
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15A NCAC 13B .1108 SCRAP TIRE DISPOSAL SITE PERMIT AND OPERATIONAL REQUIREMENTS

History Note: Authority G.S. 130A-309.57;

Eff. October 1, 1990;
Repealed Eff. December 1, 2018.

15A NCAC 13B .1109 CLOSURE OF NON-CONFORMING SITES

- (a) Any scrap tire collection or disposal site that does not meet the requirements of this Section shall be closed.
- (b) In closing any non-conforming scrap tire site, the owner or operator shall:
- (1) prevent public access to the site;
 - (2) post a notice indicating the site is closed and the nearest permitted site where scrap tires may be deposited;
 - (3) notify the Division of the closing prior to tire removal;
 - (4) remove all scrap tires, processed tires and residuals to a scrap tire collection site that is permitted in accordance with this Section, or that is exempt from permitting pursuant to G.S. 130A 309.57(d); or to a solid waste management facility permitted by the Division to accept scrap tires or processed tires, and provide receipts to the Division by a deadline that shall be specified by the Division; and
 - (5) remove any solid waste to a solid waste management facility permitted by the Division to receive such waste.
- (c) Once all requirements set forth in Paragraph (b) of this Rule are complete, the owner or operator shall notify the Division in writing.

History Note: Authority G.S. 130A-309.57;
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15A NCAC 13B .1110 SCRAP TIRE PROCESSING FACILITIES

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990;
Repealed Eff. December 1, 2018.

15A NCAC 13B .1111 FINANCIAL RESPONSIBILITY REQUIREMENTS

- (a) Owners and operators of scrap tire disposal sites shall provide proof of financial responsibility in accordance with the financial responsibility rules for landfills adopted pursuant to G.S. 130A-294(b) and 130A-309.27.
- (b) Owners and operators of scrap tire collection sites permitted under these Rules shall provide proof of financial responsibility to ensure closure of the site in accordance with these Rules and to cover property damage or bodily injury to third parties which may result from fire or other public health hazard occurring at the site. Financial responsibility may be demonstrated through surety bonds, insurance, letters of credit, a funded trust, or other documents which show that the owner or operator has sufficient resources to meet the requirements of this Rule, including the guarantee of a corporate parent with sufficient resources to meet the requirements of this Rule. Documentation of financial responsibility shall be kept current, and updated as required by changes in these Rules, changes in operation of the site, and inflation.
- (c) Owners and operators of scrap tire collection sites shall demonstrate the following minimum amounts of financial responsibility:
- (1) For site closure: one dollar and fifty cents (\$1.50) per tire for the maximum number of tires permitted to be stored on the site at any one time.
 - (2) For property damage and bodily injury to third parties and public property: two thousand five hundred dollars (\$2,500) worth of coverage per occurrence for each 1,000 tires permitted to be stored on-site, with an annual aggregate of five thousand dollars (\$5,000) worth of coverage for each 1,000 tires permitted to be stored on-site.

Maintenance of financial responsibility in the required amounts in Paragraphs (c)(1) and (2) does not in any way limit the responsibility of owners and operators for the full costs of site closure and clean-up, the expenses of any on-site or off-site environmental restoration necessitated by activities at the site, and liability for all damages to third parties or private or public properties caused by the establishment and operation of the site.

History Note: Authority G.S. 130A-294(b); 130A-309.27;
Eff. October 1, 1990.

15A NCAC 13B .1112 SCRAP TIRE HAULER REQUIREMENTS

History Note: Authority G.S. 130A-309.59;
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