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, incineration, or other method as may be approved by the Division.

(2) "Processing" means chopping, chipping, shredding, slicing, cutting, stamping, dyeing, pyrolizing or other physicochemical processing of scrap tires either for disposal or production of useable materials.

(3) "Scrap tire monofill" means a sanitary landfill, or portion thereof, permitted exclusively for scrap tire disposal.

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

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

(a) A permit application for a scrap tire collection site or scrap tire disposal site shall be accompanied by a non-refundable twenty-five dollar ($25.00) application fee. The application fee shall be credited toward the permit fee which shall be paid before a permit is issued.

(b) An annual permit fee shall be paid to the Division on or before July 1, as follows:

(1) A scrap tire collection site: two hundred and fifty dollars ($250.00); and

(2) A scrap tire disposal site: two hundred and fifty dollars ($250.00).

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

5A 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 legitimate business exempt from a permit under G.S. 130A-309.57(d).

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

15A NCAC 13B .1104 GENERAL CONDITIONS

(a) Landfilling of whole scrap tires is prohibited.

(b) Demonstrated methods of scrap tire disposal, in addition to the disposal methods in G.S. 130A-309.58, may be approved by the Division.

(c) The tire collector shall notify the Division by submitting a form giving complete information regarding the location, size, period of operation, ownership and operation of the site, and the number of scrap tires accumulated at the site.

(d) Scrap tire certification forms, in accordance with G.S. 130A-309.58(f) shall be obtained from units of local government.

History Note: Authority G.S. 130A-309.58;
Eff. October 1, 1990.

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 his land, a scrap tire collection site or scrap tire disposal site unless a permit for the site has been obtained from the Division.
(b) Application for permits required by this Rule shall be forwarded to the Solid Waste Section, Solid Waste Management Division, P.O. Box 27687, Raleigh, North Carolina 27611.
(c) A permit is issued to the permit applicant for a particular site and is non-transferrable.
(d) Scrap tire collection sites exempt from permitting under G.S. 130A-309.57(d) and Rule .1105 (i) of this Section are not subject to the storage requirements of Rule .1107 of this Section with the exception of Rule .1107(1) and (2)(c).
(e) Trailers and 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 3, 4, 8 and 10.
(f) A permitted sanitary landfill, other than a demolition landfill, is deemed permitted as a scrap tire disposal site. Records shall be maintained in accordance with Rule .1108(c) of this Section.
(g) A permitted sanitary landfill operated by a unit of local government is deemed permitted as a scrap tire collection site and may store up to 25,000 scrap tires for the purpose of comprising a marketable commodity.
(h) Units of local government are not required to provide proof of financial responsibility.

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

15A NCAC 13B .1106 SCRAP TIRE COLLECTION SITE PERMIT REQUIREMENTS
(a) A scrap tire collection site permit shall be issued for a period of not longer than three years. Permit renewal applications shall be submitted to the Department not less than 60 days prior to the expiration date of the permit.
(b) A permit shall limit the number of tires stored at a scrap tire collection site to the stated number of tires shipped off-site and/or disposed of on-site per month, unless otherwise specified by the Division. At no time shall more than 60,000 scrap tires be stored at a scrap tire collection site. Storage limits for collection sites permitted in association with processing facilities shall be determined as in Rule .1110(a).
(c) Scrap tire collection sites shall meet the following siting and design requirements in order 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 Clean Water Act, section 404(b)(1).
(2) A site shall maintain a minimum of a 50-foot buffer between all property lines and scrap tire storage areas.
(3) The site and proposed plan shall comply with all requirements of the local zoning ordinance.
(4) The site shall be served by an access road which shall be kept passable for any motor vehicle, including fire trucks, at all times.
(5) Drainage shall be effective to prevent standing water on-site and shall not cause off-site drainage problems.
(6) A site shall meet the requirements of the Sedimentation Pollution Control Law (15A NCAC 4).
(7) A site shall meet the screening requirements of N.C.G.S. 136-144, if applicable.
(8) Access to the site shall be controlled through the use of fences, gates, berms, natural barriers or other means.
(9) The site shall be bermed or given other protection, if necessary to keep liquid runoff from a potential tire fire from entering any surface water.
(10) The provider of fire protection services for the site shall be identified in the permit application.
(d) In addition to the form prescribed and provided by the Division, three copies of the following information shall be submitted 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.
(4) A map or aerial photograph accurately showing the area within one-fourth mile of the site, and identifying the following:
(A) Entire property owned or leased for use as a scrap tire collection site by the applicant;
(B) Location of all homes, buildings, public or private utilities, roads, wells, water courses, floodplains and other applicable details regarding the topography.
(5) A description of the general operation of the facility.
(6) Sources and quantity of tires expected, expressed in tons (assume 100 tires per ton or ten tires per cubic yard) to be received per month; quantity of tires to be stored on-site and quantity of tires to be shipped off-site per month.
(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) 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 Rule .1106(c).
(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 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.

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

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

Scrap tire collection sites shall meet the following operational requirements:
(1) Scrap tires stored indoors shall be stored under conditions that meet those in "The Standard for Storage of Rubber Tires", NFPA 231D-1986 edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts, which has been adopted in accordance with G.S. 150B-14(c). Copies of this document are available for inspection at the Department.
(2) All scrap tire collection, processing or disposal sites which store scrap tires or processed tires outdoors must 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 so as to protect the public health and welfare. Whole and sliced scrap tires, and other 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 are not required to be covered.
(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 highly flammable substances shall be conducted within 50 feet of a scrap tire pile.
(f) A fire safety survey shall be conducted annually by local fire protection authorities or other persons as approved by the Division.
(g) Communication equipment shall be maintained at the scrap tire collection site to assure that the site operator can contact local fire protection authorities in case of a fire.
(h) The scrap tire storage area(s) within the scrap tire collection site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.
(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, upon changes in operations at the site, or as required by the Department. 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 that should 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 locations and information regarding precautions which should be taken with these materials.
(j) The operator of the scrap tire collection site shall immediately 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 at his in-state place of principal business a copy of the permit with required attachments, 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 all certification forms applicable to any tires received, stored or shipped from the site.
(l) The number of scrap tires stored at a scrap tire collection site 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, unless otherwise specified by the Division. At no time shall more than 60,000 scrap tires be stored at a scrap tire collection site. Storage limits for collection sites permitted in association with processing facilities shall be determined as in Rule .1110(a) of this Section.
(3) Processed tires shall be stored in accordance with the requirements of indoor or outdoor storage in this Rule, and in accordance with the following:
(a) The temperature of any above-ground piles of compacted, processed tires over 1,000 cubic yards in size shall be monitored and may 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 are not required for processed tires disposed of in permitted landfills.
(b) Any residuals from a scrap tire collection site shall be managed so as to be contained on-site, and shall be controlled and disposed of in a permitted solid waste management facility or properly recycled.
(4) The Division may approve exceptions to the preceding technical and operational standards for a person collecting scrap tires if:
(a) At least once during each 30-day period all scrap tires, including processed tires, are removed from the site for processing or disposal; and
(b) The Division and the local fire authority are satisfied that the site owner or operator has sufficient fire suppression equipment or materials on-site to extinguish any potential tire fire within an acceptable length of time.

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

15A NCAC 13B .1108 SCRAP TIRE DISPOSAL SITE PERMIT AND OPERATIONAL REQUIREMENTS

(a) Scrap tire disposal site shall be permitted and operated in accordance with the provisions of Rules .0503, .0504, and .0505 of this Subchapter. Permits shall be recorded in accordance with Rule .0204 of this Subchapter. A proposal to establish a scrap tire monofill at a permitted sanitary landfill may be submitted as an application for modification of the construction plan. A scrap tire monofill may not be located in any required buffer zone.
(b) Scrap tires may not be burned in a permitted solid waste incinerator without a permit modification from the Division.
(c) The operator of a permitted scrap tire disposal site shall maintain at his in-state place of principal business, a copy of the permit with required attachments. Records of the quantity of scrap tires and processed tires received and disposed of at the site, and all certification forms applicable to any tires received and disposed at the site shall be maintained for a period of three years.

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990.
15A NCAC 13B .1109 CLOSURE OF NON-CONFORMING SITES
(a) Any scrap tire collection or disposal site which does not meet the requirements of this Section shall be closed.
(b) In closing any 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 can be deposited;
(3) Notify the Division of the closing and obtain Departmental approval of the plan to remove tires prior to tire removal;
(4) Remove all scrap tires, processed tires and residuals to a waste tire processing facility, solid waste management facility permitted to accept scrap tires or processed tires, a legitimate user of processed tires, or other facility approved by the Division;
(5) Remove any solid waste to a permitted solid waste management facility;
(6) Provide documentation that tires were received by approved facility; and
(7) Notify the Department when closure is complete.

History Note: Authority G.S. 130A-309.57;
Eff. October 1, 1990.
15A NCAC 13B .1110 SCRAP TIRE PROCESSING FACILITIES
(a) Scrap tire collection sites to be permitted in association with scrap tire processing facilities shall be permitted and operated in accordance with the provisions of Rules .1106 and .1107 of this Section, except that the storage limit shall be determined by multiplying the daily through-put of the processing equipment used by 30. A scrap tire processing facility shall not accept any scrap tires for processing above the number which can 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 permitted solid waste management facility within one year of their receipt. Processed tires stored for recycling or disposal are subject to the storage requirements specified in Rule .1107 of this Section unless otherwise authorized by the Division.

(b) Wastes resulting from the operation of the scrap tire processing facility shall be evaluated in accordance with 15A NCAC 13B .0103(e) prior to disposal.
(c) The owner or operator of a scrap tire processing facility shall record and maintain for three years the following information, and these records shall be available for inspection by Division personnel during normal business hours:
(1) For all scrap tires and processed tires shipped from the facility: the name of the hauler, the hauler or merchant identification number of the tire hauler who accepted the scrap or processed tires for transport, the quantity of scrap or processed tires shipped with that hauler, designation of scrap or processed tires (name and address of facility), and documentation of receipt of tires by the receiving facility;
(2) For all scrap tires and processed tires received at the facility: the name of the hauler, the hauler or merchant identification number of the scrap tire hauler who delivered the scrap or processed tires to the facility, the quantity of scrap or processed tires received from that hauler and where the tires originated (name and address of facility);
(3) For tires received, stored, shipped or processed, completed certification forms as required by G.S. 130A-309.58(f) except for quantities of five tires or less brought for processing by someone other than a tire collector, tire processor or tire hauler.
(d) Owners and operators of scrap tire processing facilities shall submit to the Division an annual report, by March 1 of each year, that summarizes the information collected under Paragraph (c) of this Rule for the previous calendar year. The report shall be submitted on a form prescribed and provided by the Division. The following information shall be included, at a minimum:
(1) The facility name, address, and permit number, if any;
(2) The year covered by the report;
(3) The total quantity and type of scrap tires or processed tires received at the facility during the year covered by the report;
(4) The total quantity and type of scrap tires or processed tires shipped from the facility during the year covered by the report;
(5) The quantity of scrap tires or processed tires shipped to each receiving facility identified by name and address;
(6) The total quantity and type of scrap tires or processed tires located at the facility on the first day of the calendar year.

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

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

The requirements of G.S. 130A-309.59 and the requirements of this Section apply to persons engaged in transporting scrap and/or processed tires for the purpose of storage, processing or disposal of scrap tires and processed tires.
(1) All persons hauling tires shall carry a copy of the document assigning the scrap tire registration number or merchant identification number at all times while engaged in hauling scrap tires.
(2) To obtain or renew a scrap tire hauling registration number and approval to transport scrap tires, a tire hauler shall submit an application on a form prescribed and provided by the Division. A tire hauler must renew its identification number annually. For a scrap tire hauler, the application shall be submitted at least 30 days before the hauler intends to begin transporting scrap tires. Renewal applications shall be submitted at least 30 days before the expiration date of the existing hauling identification number. The application shall contain at least the following information:
(a) A description, license number, Vehicle Identification Number and name of the registered vehicle owner for each vehicle used for transporting scrap tires, and if the vehicle is owned by a business entity, the names and addresses of the officers or owners of that entity;
(b) The geographical area that will be served;
(c) Where the scrap tires will be collected and where they will be delivered or deposited.
(3) A corporation, partnership or local government may submit one application for registration for its entire fleet of vehicles.

History Note: Authority G.S. 130A-309.59;
Eff. October 1, 1990.