

**HEARING OFFICER'S REPORT OF PROCEEDINGS OF
PUBLIC HEARING AND COMMENT PERIOD**

Readoption and Amendments to
15A NCAC 13B .1101 - .1110 Scrap Tire Management

Environmental Management Commission

September 13, 2018

Basic Information

Commission:	Environmental Management Commission (EMC) (Groundwater and Waste Management Committee)
Agency	Department of Environmental Quality, Division of Waste Management, Solid Waste Section
Title	Scrap Tire Management
Citations	15A NCAC 13B .1101 - .1110
Description of the Proposed Rules	It is the responsibility of the Division of Waste Management to regulate how solid waste is managed within the state under the statutory authority of the Solid Waste Management Act, Article 9 of Chapter 130A of the General Statutes; and specifically regulates scrap tire management under the statutory authority of G.S. 130A-309.57. Rules 15A NCAC 13B .1100 - .1110 collectively establish the conditions which require that a permit for a scrap tire collection or processing site be obtained from the Division, the requirements and process for permit application and approval, operational requirements, and closure conditions.
Agency Contact	Jessica Montie Environmental Program Consultant Jessica.Montie@ncdenr.gov (919) 707-8247
Authority	G.S. 130A-309.57; G.S. 150B-21.3A
Statement of Necessity	Rules .1101 - .1110 are proposed for readoption in accordance with G.S. 150B-21.3A.
Hearing Officer	EMC Commissioner David Anderson
Comment Period	June 15, 2018 to August 14, 2018
Public Hearing	July 11, 2018
Comment Summary	No comments were received on the proposed rules during the public comment period or the public hearing. Two comments were received in 2016 and were addressed in amendments made prior to publication.
Appendices	A – Notice of Text B – Hearing Transcript and Attendance Sheet C – Comments Received and Addressed Prior to Comment Period D – Rule Text for Readoption

Rule Summary and Background

It is the responsibility of the Division of Waste Management (Division) Solid Waste Section (Section) to regulate how solid waste is managed within the state under the statutory authority of NC General Statute (G.S.) Chapter 130A-294. State rules governing solid waste management are found in Title 15A, Subchapter 13B of the North Carolina Administrative Code. G.S. 130A-309.57 gives authority to the Environmental Management Commission (EMC) to adopt rules which govern the administration of scrap tire collection sites and permits, which are found in Subchapter 13B, Section .1100 *Scrap Tire Management*. Rules .1101 - .1110 are proposed for readoption in accordance with G.S. 150B-21.3A. Rules .1101, .1103, .1104, .1105, .1106, .1107, and .1109, are proposed for readoption with amendments. Rules .1102, .1108, and .1110 are proposed for readoption as a repeal. Rule .1111 is not proposed for readoption at this time as it will be included with a package to consolidate rules regarding financial assurance at a later date.

The North Carolina Office of State Budget and Management approved the Regulatory Impact Analysis for these rules on February 16, 2018, and the analysis indicated no impact to state or local government and no substantial economic impact as a result of the amendments.

Summary of Public Comment and Hearing

The proposed rules and the Regulatory Impact Analysis was approved by the EMC to proceed to public comment and hearing at the May 10, 2018 meeting. The proposed rules were published in the NC Register, and the proposed rules and Regulatory Impact Analysis were published on the Department's website throughout the public comment period from June 15, 2018 to August 14, 2018. The Notice of Text is included in Appendix A. The Division also sent a link to the published notice and regulatory impact analysis for public comment to interested parties via e-mail on June 14, 2018.

The public hearing took place on July 11, 2018 at 217 West Jones Street, Raleigh. Commissioner David Anderson served as the hearing officer for the public hearing. The hearing transcript and attendance sheet can be found in Appendix B. No comments were received at the public hearing or during the comment period on the proposed rules. Two comments had previously been received in 2016 regarding these rules, and are included in Appendix C. The first comment regarding Rules .1104, .1107, and .1111 was submitted by Liberty Tire Recycling. The second comment regarding Rule .1105 was submitted by the National Waste and Recycling Association (NWRA). Rules .1104, .1105, and .1107 were amended to address these comments, and the amendments were included in the proposed rules approved by the EMC at the May 10, 2018 meeting, and published in the NC Register during the comment period. The comment regarding Rule .1111 in the letter from Liberty Tire Recycling will be addressed when this rule is readopted as part of the consolidation of financial assurance rules at a later date.

The rule text proposed for adoption is included in Appendix D. No changes were made to the rule text from the version that was presented to the EMC at the May 10, 2018 meeting.

Hearing Officer's Recommendation

The Hearing Officer's Recommendation is that the Environmental Management Commission readopt Rules 15A NCAC 1101, .1103, .1104, .1105, .1106, .1107, and .1109 with amendments, and repeal Rules .1102, .1108, and .1110 as shown in Appendix D.

Appendix A – Notice of Text

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 and G.S. 150B-21.3A(c)(2)g. that the Environmental Management Commission intends to readopt with substantive changes the rules cited as 15A NCAC 13B .1101-.1110.

Pursuant to G.S. 150B-21.17, the Codifier has determined it impractical to publish the text of rules proposed for repeal unless the agency requests otherwise. The text of the rule(s) are available on the OAH website at <http://reports.oah.state.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/permits-regulations/rules-regulation/proposed-main>

Proposed Effective Date: *November 1, 2018*

Public Hearing:

Date: *July 11, 2018*

Time: *4:30 p.m.*

Location: *NCDEQ Green Square, 217 West Jones Street, Raleigh, NC 27603 Room 1210 (Training Room)*

Reason for Proposed Action: *The rules 15A NCAC 13B .1101-.1110 are proposed for readoption or repeal to comply with the Periodic Rule Review requirements pursuant to G.S. 150B-21.3A. Proposed amendments to the rules include technical corrections, clarification of unclear language, and consolidating requirements and repealing rules to remove redundant or unnecessary language.*

Comments may be submitted to: *Jessica Montie, 1646 Mail Service Center, Raleigh, NC 27699-1646; phone (919) 707-8247; fax (919) 707-8247; email Jessica.montie@ncdenr.gov*

Comment period ends: *August 14, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 13 - SOLID WASTE MANAGEMENT

SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

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. ~~landfill, incineration, or other method as may be approved by the Division.~~
- (2) "Processing" means chopping, chipping, shredding, slicing, cutting, stamping, dyeing, pyrolyzing ~~pyrolyzing~~, 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~~. 1990;
Readopted Eff. November 1, 2018.

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

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

15A NCAC 13B .1103 GENERATOR OF SCRAP TIRES

No person shall discard, ~~deposit~~ 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~~. 1990;
Readopted Eff. November 1, 2018.

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 ~~Demonstrated methods of scrap tire disposal, in addition to other than the disposal methods in G.S. 130A-309.58. G.S. 130A-309.58, may be approved by the Division. The request shall be included with a permit application or renewal submitted to the Division in accordance with Rule .1106 of this Section, and may be approved by the Division if the owner or operator demonstrates that the proposed method is protective of human health and the environment; does not create a nuisance or safety hazard; and complies with the requirements of this Subchapter.~~

(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.~~

(c)(d) Scrap Tire Certification Forms ~~tire certification forms~~, in accordance with G.S. 130A-309.58(f) shall be obtained from ~~units of local government.~~ the Division website at <https://deq.nc.gov/about/divisions/waste-management>.

History Note: Authority G.S. 130A-309.57, 130A-309.58;
Eff. October 1, ~~1990~~. 1990;
Readopted Eff. November 1, 2018.

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, 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~~ Applications for permits submitted in accordance with Rule .1106 of this Section required by this Rule shall be forwarded to the Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Solid Waste Management Division, P.O. Box 27687, Raleigh, North Carolina 27699-1646, 27611.

(c) A permit is issued to the permit applicant for a particular site and shall not be transferable. ~~is non-transferable.~~

(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).~~

(d)(e) 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. ~~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(e) 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.~~

~~(e)(h) Scrap tire collection sites operated by units of local government are exempt from the financial responsibility requirements established in Rule .1111 of this Section. 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; 1990;
Readopted Eff. November 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 ~~not longer than three~~ five years. Permit renewal applications shall be submitted to the ~~Division~~ Department not less than 60 days prior to the expiration date of the permit.

~~(b) A permit shall specify the storage limit for a limit the number of tires stored at a scrap tire collection site. 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~~ a site shall not be located within either the 100-year floodplain or 100 feet of any surface ~~water;~~ water. A site shall not be located within any wetland as defined in the Federal Clean Water Act, section 404(b)(1). ~~404(b)(1), which is hereby incorporated by reference, including any subsequent amendments or additions.~~
- (2) ~~A~~ a site shall maintain a ~~minimum of a~~ 50-foot buffer between all property lines and scrap tire storage ~~areas;~~ areas.
- ~~(3)~~ (4) ~~The site and proposed plan shall comply with all requirements of the local zoning ordinance.~~ The site shall be served by an access road which that shall be kept passable at all times for any motor vehicle, including fire trucks; ~~trucks, at all times.~~
- ~~(4)~~ (5) ~~Drainage shall be effective to the site shall be designed to prevent standing water on-site and shall not cause prevent off-site drainage problems.~~ Drainage shall be effective to the site shall be designed to prevent standing water on-site and shall not cause prevent off-site drainage problems.
- ~~(6)~~ (7) ~~A site shall meet the requirements of the Sedimentation Pollution Control Law (15A NCAC 4).~~ A site shall meet the screening requirements of N.C.G.S. 136-144, if applicable.
- ~~(5)~~ (8) ~~Access access to the site shall be controlled to prevent unauthorized entry through the use of barriers such as fences, gates, or berms; and berms, natural barriers or other means.~~ Access access to the site shall be controlled to prevent unauthorized entry through the use of barriers such as fences, gates, or berms; and berms, natural barriers or other means.
- ~~(6)~~ (9) ~~The site shall be bermed or given other protection, if necessary designed to prevent keep liquid runoff from a potential tire fire from entering any surface water.~~ The site shall be bermed or given other protection, if necessary designed to prevent keep liquid runoff from a potential tire fire from entering any surface water.
- ~~(10)~~ (10) ~~The provider of fire protection services for the site shall be identified in the permit application.~~ 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~~ The following information shall be submitted ~~to the Division~~ in an application for a scrap tire collection site permit:

- (1) ~~Name name~~ name and location of proposed facility, including street address or state road number, city, county, and zip ~~code;~~ code.
- (2) ~~Name, name,~~ name, address, telephone ~~number number,~~ number number, and signature of site ~~operator;~~ operator.
- (3) ~~Name, name,~~ name, address, telephone ~~number number,~~ number number, and signature of property ~~owner,~~ 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~~ a map or aerial photograph ~~accurately~~ showing the area within one-fourth mile of the site, and identifying the following:
 - (A) ~~Entire~~ the property owned or leased for use as a scrap tire collection site by the applicant; and
 - (B) ~~Location~~ the location of all homes, buildings, public or private utilities, roads, wells, water courses, ~~floodplains~~ floodplains, and other ~~applicable~~ applicable details regarding the topography; ~~topography.~~
- (5) ~~A~~ a description of the ~~general~~ operation of the ~~facility;~~ facility.
- (6) ~~Sources sources~~ 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;~~ month.

- (7) ~~Plans~~ plans for disposition of all tires collected at the site, including the names, ~~addresses,~~ addresses and permit information, if applicable, of all facilities where the tires will be recycled, ~~processed, or disposed;~~ processed or disposed.
- (8) ~~Projected the projected~~ date of commencing operation; ~~operation.~~
- (9) ~~A~~ a description of how any waste resulting from the operation of the tire site will be ~~disposed;~~ disposed.
- (10) ~~A~~ a description of how the scrap tire collection site will meet the siting and design requirements of ~~Paragraph (c) of this Rule; Rule 1106(e).~~
- (11) ~~A~~ 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;~~ effect.
- (12) ~~A~~ a letter from the local fire protection authority accepting the responsibility for fire protection services ~~and an annual fire safety survey for the site;~~ site.
- (13) ~~A~~ a description of how the scrap tire collection site will meet the operational requirements of Rule .1107 of this ~~Section;~~ Section.
- (14) ~~Documentation~~ documentation of the operator's ability to meet the financial responsibility requirements of Rule .1111 of this ~~Section;~~ 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;~~ 1990;
 Readopted Eff. November 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.~~

~~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(e). Copies of this document are available for inspection at the Department.~~
- (2) All scrap tire collection, ~~processing~~ processing, or disposal sites ~~which that~~ store scrap tires or processed tires outdoors ~~must~~ 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~~ 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 partial scrap tires, and other~~ scrap tires capable of holding water shall be covered upon receipt with a water shedding material or disposed of, ~~processed~~ processed, or removed from the site within ten days of receipt. Sliced scrap tires stacked concave-side down ~~shall not be~~ are not 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, torches~~ or highly 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. ~~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~~ is able to 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 Debris, grass, underbrush, and other potentially flammable vegetation shall not be within 10 feet of scrap tires or processed materials. 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, or upon changes in operations at the site, site, or as required by the Department. The manual shall contain the following elements:
- (i) ~~A~~ a list of names and numbers of persons to be contacted in the event of a fire, ~~flood flood,~~ or other emergency;
 - (ii) ~~A~~ 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~~ 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~~ a listing of all hazardous materials stored on-site, their location, locations and information regarding precautions. ~~precautions which should be taken with these materials.~~
- (j) The operator of the scrap tire collection site shall within 24 hours ~~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 the following records and make them available for inspection by the Division at the Division's request: at his in state place of principal business a copy of the permit with required attachments;
- (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); facility) and
 - (iii) all certification forms applicable to any tires received, ~~stored stored,~~ or shipped from the site.
- (l) Unless otherwise specified by the Division in the facility permit, the ~~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, 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.
- (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.
- (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~~; 1990;
Readopted Eff. November 1, 2018.

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

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

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

- (a) Any scrap tire collection or disposal site ~~which that~~ does not meet the requirements of this Section shall be closed.
- (b) In closing any non-conforming scrap tire ~~site site~~, the owner or operator shall:
- (1) ~~Prevent~~ prevent public access to the site;
 - (2) ~~Post~~ post a notice indicating the site is closed and the nearest permitted site where scrap tires may ~~can~~ be deposited;
 - (3) ~~Notify~~ notify the Division of the closing ~~and obtain Departmental approval of the plan to remove tires prior to tire removal;~~
 - (4) ~~Remove~~ remove all scrap tires, processed ~~tires tires~~ and residuals to a scrap tire collection site processing facility, 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, a legitimate user of processed tires, or other facility approved by the Division; and provide receipts to the Division by a deadline that shall be specified by the Division; and
 - (5) ~~Remove~~ remove any solid waste to a permitted solid waste management facility permitted by the Division to receive such waste, facility;
 - (6) ~~Provide documentation that tires were received by approved facility; and~~
 - (7) ~~Notify the Department when closure is complete.~~
- (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;
Eff. October 1, ~~1990~~. 1990;
Readopted Eff. November 1, 2018.

15A NCAC 13B .1110 SCRAP TIRE PROCESSING FACILITIES

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

Appendix B – Hearing Transcript and Attendance Sheet

David Anderson, Hearing Officer:

Good evening ladies and gentlemen. It is now 4:30 pm on July 11, 2018. My name is David Anderson. I am a Commissioner with the Environmental Management Commission. I have been appointed by the Commission to be the hearing officer for today's hearing. My role as hearing officer is to receive comments from the public on the proposed rule changes and report my findings and recommendation to the full Commission. Please note for the record that this hearing is being recorded.

Other staff members from the Division of Waste Management are here to assist. I ask Ms. Jessica Montie with the Division of Waste Management to please introduce the staff present. [Ms. Montie introduced herself and Mr. Kim Caulk with the DWM Superfund Section].

This evening we are conducting a public hearing to take comments on the readoption of rules for Scrap Tire Management 15A NCAC 13B .1101 - .1110 with proposed amendments. This hearing will be held according to the North Carolina Administrative Procedures Act. The public notice for this hearing and the proposed rule amendments have been published in the North Carolina Register and posted to the Division's website. A regulatory impact analysis describing the impacts of the rule changes has been prepared by DWM and approved by the Office of State Budget and Management, and has also been posted to the Division's website. I will enter the public notice, proposed amendments, and regulatory impact analysis into the hearing record without reading them at this time.

The rules being considered today are found in 15A NCAC 13B Section .1100 Scrap Tire Management. The Environmental Management Commission intends to readopt the rules cited as 15A NCAC 13B .1101 through .1110 pursuant to the rule review requirements of G.S. 150B-21.3A. Proposed amendments to the rules include:

- technical corrections and clarifications;
- consolidation of rules for tire collection sites and tire processing sites to reduce redundancy, and
- removal of redundant language that repeats the requirements of state laws or other state rules

Note that Rule .1111 of this Section, titled *Financial Responsibility Requirements*, will be readopted or repealed at a later date, as part of a set of rules concerning Financial Responsibility and Financial Assurance for Solid Waste Management Facilities.

I will now open the hearing and take relevant comments on these rules. Any person desiring to comment is requested to submit a written statement for inclusion in the hearing record. Once called to speak, please come to the podium and state your name clearly, identifying the rule or rules you are commenting on, and whom you represent. I will now call speakers to present their comments.

[No speakers were in attendance – see attached attendance sheet]

If there are no comments, then the hearing is closed. The hearing record will remain open until August 14, 2018 for additional written comments.

RECORD OF ATTENDANCE - JULY 11, 2018 PUBLIC HEARING FOR PROPOSED READOPTION AND AMENDMENTS FOR
 RULES 15A NCAC 13B .1101 - .1110 SCRAP TIRE MANAGEMENT

	PRINT NAME	ADDRESS	E-MAIL OR PHONE	DO YOU WISH TO BE CALLED UP TO COMMENT? (Y or N)
1	Jessica Montie		919-707-8247	
2	David Andersa		919 805 5477	
3	Kim Caulk		919 707 8350	
4				
5				
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Appendix C – Comments Received and Addressed Prior to Comment Period



August 16, 2016

**Comments on 15 A NCAC 13 B, Solid Waste Rules
And
Agency Determination in Accordance with
S.L. 2013-413**

RECEIVED
Office of the Secretary

AUG 18 2016

Department of Environment
and Natural Resources

DEQ Rule Comments
1601 Mail Service Center
Raleigh, NC 27699

Liberty Tire Services of North Carolina operates two scrap tire collection and processing facilities and two scrap tire disposal facilities serving the state. We consider ourselves a partner with the state in providing safe management and recycling of a waste, that absent needed regulatory requirements and private sector infrastructure, has been shown to cause environmental and public health degradation. The need of our continued work to ensure proper management of scrap tires is further highlighted by the recent spread and threat of Zika virus.

We appreciate the opportunity to comment on the proposed classifications and to offer rule amendments for consideration during the readoption process. Liberty Tire Services agrees with the Agency Determination of "Necessary with Substantive Public Interest" for the rules of 15A NCAC 13B Section .1100 with the exception of rule .1102. Given the permit and operational fees are now in statute, the old fees set out in rules are not necessary.

The following is offered to assist in rule changes as readoption proceeds:

Rule .1104 (a) should be amended to reflect the agencies policy of processing necessary for disposal. A sentence to indicate that whole tires processed to a minimum of cutting into quarters is no longer considered a whole tire and is suitable for landfilling should be added.

Rule.1107(c) Should offer further flexibility by adding language that "Other methods to control mosquitoes and rodents may be approved by the Division and incorporated in permit conditions.

Rule .1111 The Division should have the flexibility to consider factors such as the availability and distance to a disposal facility in setting financial assurance for collection sites. Language should be added as follows:

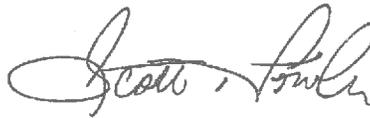
Liberty Tire Recycling, LLC
1251 Waterfront Place, 4th Floor, Pittsburgh, PA 15222-4261
Phone: 412.562.1700 • Fax: 412.562.0248 • www.libertytire.com

Page 2 of 2

“(d) The Division may approve alternative amounts of financial responsibility required under this section by a demonstration of the owner/operator that the coverage is adequate to meet the requirements of (b) of this subsection.”

Thank you again for the opportunity to comment on the proposed classifications and rule readoption. If there are questions, please feel free to contact me at 704-905-1041 or Dexter Matthews at 919-345-8482.

Best Regards,

A handwritten signature in black ink, appearing to read "Scott Fowler". The signature is fluid and cursive, with the first name "Scott" being larger and more prominent than the last name "Fowler".

Scott Fowler, Senior Vice President
Liberty Tire Recycling
6322 Poplar Tent Road, Concord, NC

cc: Thomas Womble
Gene Helton
Dexter Matthews

NWRA Suggested Amendment

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.*

DEQ to review all rules that use term "Sanitary Landfill"

Appendix D – Rule Text for Readoption

15A NCAC 13B .1101 is readopted as published in 32:24 NCR 2717 as follows:

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. ~~landfill, incineration, or other method as may be approved by the Division.~~
- (2) "Processing" means chopping, chipping, shredding, slicing, cutting, stamping, dyeing, ~~pyrolizing~~ 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~~. 1990;
Readopted Eff. November 1, 2018.

15A NCAC 13B .1102 is repealed through readoption as published in 32:24 NCR 2717 as follows:

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

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

15A NCAC 13B .1103 is readopted as published in 32:24 NCR 2717 as follows:

15A NCAC 13B .1103 GENERATOR OF SCRAP TIRES

No person shall discard, ~~deposit~~ 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~~. 1990;
Readopted Eff. November 1, 2018.*

15A NCAC 13B .1104 is readopted as published in 32:24 NCR 2717 as follows:

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 Demonstrated methods of scrap tire disposal, in addition to other than the disposal methods in G.S. 130A-309.58. G.S. 130A-309.58, may be approved by the Division. The request shall be included with a permit application or renewal submitted to the Division in accordance with Rule .1106 of this Section, and may be approved by the Division if the owner or operator demonstrates that the proposed method is protective of human health and the environment; does not create a nuisance or safety hazard; and complies with the requirements of this Subchapter.
- ~~(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.
- ~~(c)(d)~~ Scrap Tire Certification Forms tire certification forms, in accordance with G.S. 130A-309.58(f) shall be obtained from units of local government. the Division website at <https://deq.nc.gov/about/divisions/waste-management>.

History Note: Authority G.S. 130A-309.57, 130A-309.58;
Eff. October 1, 1990. 1990;
Readopted Eff. November 1, 2018.

15A NCAC 13B .1105 is readopted as published in 32:24 NCR 2717 as follows:

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, 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~~ Applications for permits submitted in accordance with Rule .1106 of this Section ~~required by this Rule~~ shall be forwarded to the Division of Waste Management, Solid Waste Section, 1646 Mail Service Center, Solid Waste Management Division, P.O. Box 27687, Raleigh, North Carolina 27699-1646, 27611.
- (c) A permit is issued to the permit applicant for a particular site and shall not be transferable, 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).~~
- (d)(e) 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, 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.~~
- (e)(h) Scrap tire collection sites operated by units of local government are exempt from the financial responsibility requirements established in Rule .1111 of this Section. 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, 1990;
Readopted Eff. November 1, 2018.*

15A NCAC 13B .1106 is readopted as published in 32:24 NCR 2717 as follows:

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~~ five years. Permit renewal applications shall be submitted to the Division ~~Department~~ not less than 60 days prior to the expiration date of the permit.

(b) A permit shall specify the storage limit for a ~~limit the number of tires stored at a scrap tire collection site. 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~~ a site shall not be located within either the 100-year floodplain or 100 feet of any surface water; ~~water~~. A site shall not be located within any wetland as defined in the Federal Clean Water Act, section 404(b)(1). ~~404(b)(1), which is hereby incorporated by reference, including any subsequent amendments or additions.~~
- (2) ~~A~~ a site shall maintain a ~~minimum of a~~ 50-foot buffer between all property lines and scrap tire storage ~~areas.~~ areas;
- ~~(3)~~ (3)(4) ~~The site and proposed plan shall comply with all requirements of the local zoning ordinance.~~ The ~~the~~ site shall be served by an access road ~~which~~ that shall be kept passable at all times for any motor vehicle, including fire ~~trucks;~~ trucks, at all times.
- ~~(4)~~ (4)(5) ~~Drainage shall be effective to~~ the site shall be designed to prevent standing water on-site and ~~shall not cause~~ prevent off-site drainage ~~problems.~~ problems;
- ~~(6)~~ (6) ~~A site shall meet the requirements of the Sedimentation Pollution Control Law (15A NCAC 4).~~
- ~~(7)~~ (7) ~~A site shall meet the screening requirements of N.C.G.S. 136-144, if applicable.~~
- ~~(5)~~ (5)(8) ~~Access~~ access to the site shall be controlled to prevent unauthorized entry through the use of barriers such as fences, gates, ~~or berms; and berms, natural barriers or other means.~~
- ~~(6)~~ (6)(9) ~~The~~ the site shall be ~~bermed or given other protection, if necessary~~ designed to prevent ~~keep~~ liquid runoff from a potential tire fire from entering any surface water.
- ~~(10)~~ (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~~ The following information shall be submitted to the Division in an application for a scrap tire collection site permit:

- (1) ~~Name~~ name and location of proposed facility, including street address or state road number, city, county, and zip ~~code;~~ code.
- (2) ~~Name,~~ name, address, telephone ~~number~~ number, and signature of site ~~operator;~~ operator.
- (3) ~~Name,~~ name, address, telephone ~~number~~ number, and signature of property ~~owner,~~ 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~~ a map or aerial photograph ~~accurately~~ showing the area within one-fourth mile of the site, and identifying the following:
- (A) ~~Entire~~ the property owned or leased for use as a scrap tire collection site by the applicant; and
- (B) ~~Location~~ the location of all homes, buildings, public or private utilities, roads, wells, water courses, ~~floodplains~~ floodplains, and other ~~applicable~~ details regarding the topography; ~~topography~~.
- (5) ~~A~~ a description of the ~~general~~ operation of the ~~facility~~; facility.
- (6) ~~Sources~~ 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; ~~month~~.
- (7) ~~Plans~~ plans for disposition of all tires collected at the site, including the names, addresses, ~~addresses~~ and permit information, if applicable, of all facilities where the tires will be recycled, processed, or disposed; ~~processed or disposed~~.
- (8) ~~Projected~~ the projected date of commencing operation; ~~operation~~.
- (9) ~~A~~ a description of how any waste resulting from the operation of the tire site will be disposed; ~~disposed~~.
- (10) ~~A~~ a description of how the scrap tire collection site will meet the siting and design requirements of Paragraph (c) of this Rule; ~~Rule .1106(e)~~.
- (11) ~~A~~ 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; ~~effect~~.
- (12) ~~A~~ a letter from the local fire protection authority accepting the responsibility for fire protection services and an annual fire safety survey for the site; ~~site~~.
- (13) ~~A~~ a description of how the scrap tire collection site will meet the operational requirements of Rule .1107 of this Section; ~~Section~~.
- (14) ~~Documentation~~ documentation of the operator's ability to meet the financial responsibility requirements of Rule .1111 of this Section; ~~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. 1990;
Readopted Eff. November 1, 2018.*

15A NCAC 13B .1107 is readopted as published in 32:24 NCR 2717 as follows:

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.

~~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(e). Copies of this document are available for inspection at the Department.~~

- (2) All scrap tire collection, ~~processing~~ processing, or disposal sites ~~which~~ that store scrap tires or processed tires outdoors ~~must~~ 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~~ 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~~ partial scrap tires, and other scrap tires capable of holding water shall be covered upon receipt with a water shedding material or disposed of, ~~processed~~ processed, or removed from the site within ten days of receipt. Sliced scrap tires stacked concave-side down ~~shall not be~~ are not 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, torches~~ or highly 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. ~~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~~ is able to 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 Debris, grass, underbrush, and other potentially flammable vegetation shall not be within 10 feet of scrap tires or processed materials. 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, or upon changes in operations at the site, site, or as required by the Department. The manual shall contain the following elements:
- (i) A a list of names and numbers of persons to be contacted in the event of a fire, ~~flood~~ flood, or other emergency;
 - (ii) A 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 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 a listing of all hazardous materials stored on-site, their location, locations and information regarding precautions. ~~precautions which should be taken with these materials.~~
- (j) The operator of the scrap tire collection site shall within 24 hours ~~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 the following records and make them available for inspection by the Division at the Division's request; at his in-state place of principal business a copy of the permit with required attachments,

- (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); facility) and
 - (iii) all certification forms applicable to any tires received, ~~stored~~ stored, or shipped from the site.
- (l) Unless otherwise specified by the Division in the facility permit, the ~~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, 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.
- (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.
- (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. 1990;
Readopted Eff. November 1, 2018.*

15A NCAC 13B .1108 is repealed through readoption as published in 32:24 NCR 2717 as follows:

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

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

15A NCAC 13B .1109 is readopted as published in 32:24 NCR 2717 as follows:

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

(a) Any scrap tire collection or disposal site ~~which that~~ does not meet the requirements of this Section shall be closed.

(b) In closing any non-conforming scrap tire site site, the owner or operator shall:

- (1) ~~Prevent~~ prevent public access to the site;
- (2) ~~Post~~ post a notice indicating the site is closed and the nearest permitted site where scrap tires may ~~can~~ be deposited;
- (3) ~~Notify~~ notify the Division of the closing ~~and obtain Departmental approval of the plan to remove tires~~ prior to tire removal;
- (4) ~~Remove~~ remove all scrap tires, processed ~~tires~~ tires and residuals to a ~~waste~~ scrap tire collection site processing facility, 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, ~~a legitimate user of processed tires, or other facility approved by the Division;~~ and provide receipts to the Division by a deadline that shall be specified by the Division; and
- (5) ~~Remove~~ remove any solid waste to a ~~permitted~~ solid waste management facility permitted by the Division to receive such waste. facility;
- (6) ~~Provide documentation that tires were received by approved facility; and~~
- (7) ~~Notify the Department when closure is complete.~~

(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;

Eff. October 1, 1990. 1990;

Readopted Eff. November 1, 2018.

15A NCAC 13B .1110 is repealed through readoption as published in 32:24 NCR 2717 as follows:

15A NCAC 13B .1110 SCRAP TIRE PROCESSING FACILITIES

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