

**Regulatory Impact Analysis
Proposed Rule Readoption with Amendments
15A NCAC 13B Section .1100 Scrap Tire Management**

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Basic Information

Commission:	Environmental Management Commission (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 any permit for scrap tire management be obtained from the Division, the requirements and process for permit application and approval, and operational requirements, and closure conditions for scrap tire collection sites.
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Authority	G.S. 130A-309.57; G.S. 150B-21.3A
Statement of Necessity	Rules .1101 - .1110 are proposed for re-adoption in accordance with G.S. 150B-21.3A.
Impact Summary	State government: No Local government: No Substantial impact: No

Rule Summary and Reason for Rule Changes

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 G.S. Chapter 130A-294. State rules governing solid waste management are found in Title 15A, Subchapter 13B of the North Carolina Administrative Code. N.C.G.S. 130A-309.57 gives authority to the Environmental Management Commission (Agency) 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*.

In accordance with G.S. 150B-21.3A, the report of final determinations for the review of rules in Subchapter 13B became effective June 24, 2017. The final determinations for the rules codified in Section .1100 and the Division's proposed actions for readoption pursuant to G.S. 150B-21.3A are as follows:

Rule Citation	Name	Final Determination	Status or Proposed Action
.1101	Definitions	Necessary with substantive public interest	Readoption with amendments
.1102	Application Fee and Annual Permit Fee	Necessary with substantive public interest	Repeal
.1103	Generator of Scrap Tires	Necessary with substantive public interest	Readoption with amendments
.1104	General Conditions	Necessary with substantive public interest	Readoption with amendments
.1105	Permit Required	Necessary with substantive public interest	Readoption with amendments
.1106	Scrap Tire Collection Site Permit Requirements	Necessary with substantive public interest	Readoption with amendments
.1107	Scrap Tire Collection Site Operational Requirements	Necessary with substantive public interest	Readoption with amendments
.1108	Scrap Tire Disposal Site Permit and Operational Requirements	Necessary with substantive public interest	Repeal
.1109	Closure of Non-Conforming Sites	Necessary with substantive public interest	Readoption with amendments
.1110	Scrap Tire Processing Facilities	Necessary with substantive public interest	Repeal
.1111	Financial Responsibility	Necessary with substantive public interest	No current action, DWM intends to propose for repeal concurrently with incorporating these requirements in the Financial Assurance rule .1800.
.1112	Scrap Tire Hauler Requirements	Unnecessary	Expired

The rules which are necessary with substantive public interest above are required to be readopted by the deadline established by the Rules Review Commission of April 30, 2021. The proposed rule text is included Appendix 1. The proposed rule-making schedule is as follows:

Date	Action
3/7/2018	GWWMC Meeting: Approval of proposed text to go to EMC.
5/10/2018	EMC Meeting: Approval of rule text and impact analysis for public comment.
5/24/2018	Submit rule text to OAH for publication in NC Register.
6/15/2018	Comment Period Begins
6/30/2018	Earliest date for public hearing.
8/14/2018	Comment Period Ends.
9/13/2018	EMC Meeting: Approval of Hearing Officer's Report and Adoption of Rule.
10/18/2018	RRC meeting: Approval of rule text
11/1/2018	Earliest effective date for rule.

Interested or Affected Parties

The parties who may have an interest in Subchapter 13B Section .1100 rules for the management of scrap tires which are proposed for readoption are as follows:

Tire Facility Permit holders:

While many scrap tire collections sites are included within the permits for other solid waste management facilities such as municipal solid waste landfills and transfer stations, in 2018 there are 9 active permits issued by the Solid Waste Section for facilities that manage only tires:

- 5 facilities that have treatment and processing facility permits to process tires
- 2 landfills for the disposal of portions of tires (whole tires cannot be landfilled)
- 2 tire collection sites that are permitted under rule 13B .1106, as they do not manage other types of waste or conduct any tire processing or landfill operations.

State Agencies:

DEQ DWM Solid Waste Section Permitting Branch which issues permits for scrap tire collection sites and processors, and sanitary landfills which collect and dispose of scrap tires

DEQ DWM Solid Waste Section Field Operations Branch staff which provide regulatory compliance for scrap tire management

Local Governments:

Local government tire haulers, collectors, and processors

Local government owners or operators of permitted sanitary landfills

Citizens of North Carolina:

Citizens who are affected by the unpermitted and/or poorly managed dumping or disposal of tires.

Impact Summary

Pursuant to G.S. 150B-21.3A(d)(2), if a rule is readopted without substantive change or if the rule is amended to impose a less stringent burden on regulated persons, the agency is not required to prepare a fiscal note as provided by G.S. 150B-21.4. Also, pursuant to G.S. 150B-21.4(d), if an agency proposes the repeal of an existing rule, the agency is not required to prepare a fiscal note on the proposed rule change as provided by this section. A summary of the proposed changes to each rule are and the effects of those changes are below.

Rule .1101 Definitions

The proposed amendment to rule .1101 amends the definition for a “Disposal Site” to remove the unclear language which states “or other method as may be approved by the Division”, and replaces it with the two types of final disposal that are currently being utilized in North Carolina. The proposed rule also removes the definition for “Scrap Tire Monofill” as this definition is no longer necessary because the term is only used in Rule .1108, and Rule .1108 is proposed for repeal.

Benefit: The proposed rule gives clarification to the regulated community that energy can be considered a “useable material”, and gives clarification on the specific types of final disposal included in that definition.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Rule .1102 Application Fee and Annual Permit Fee

The Division is proposing to repeal rule .1102 because annual permit fees for solid waste processing sites and tire landfills are established in G.S. 130A-295.8(d1)(13) Treatment and Processing Facilities and G.S. 130A-295.8(d1)(14) Tire Monofills, respectively, and their related permit application fees are established in G.S. 130A-295.8(d2). The Division will not be imposing a permit fee for tire collection sites that do not accept any other types of waste and do not conduct any tire processing or landfill operations.

Benefit: As a result of the proposed rule change, the two active permitted tire collection sites will each save \$250.00 per year as they will no longer be required to pay an annual permit fee for their current operations. They will also save \$25.00 every three years as they will no longer be required to pay a permit application fee to apply for a renewal permit every three years.

Cost: As a result of this proposed rule repeal, the Section will lose \$500.00 per year for the two sites currently permitted as tire collection sites which do not conduct any tire processing or landfill operations. The Section will also be losing the two \$25.00 permit application fees every three years for each of those sites.

As this is a rule being repealed as a part of the readoption process, and the repeal reduces the burden on the regulated community, no fiscal note is required.

Description	Year 1		Year 2		Year 3	
	Cost to Section	Benefit to 2 Permittees	Cost to Section	Benefit to 2 Permittees	Cost to Section	Benefit to 2 Permittees
Annual Permit Fee:	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
Permit applic. fee (3 years)	\$0	\$0	\$0	\$0	\$50.00	\$50.00
Total:	\$500.00	\$500.00	\$500.00	\$500.00	\$550.00	\$550.00

Rule .1103 Generator of Scrap Tires

The proposed amendments are technical corrections or for clarification only.

Rule .1104 General Conditions*Paragraph (a):*

Benefit: The proposed amendment clarifies that while whole scrap tires are prohibited from landfilling in accordance with G.S. 130A-309.58(b), portions of tires as described in the proposed rule are not prohibited from landfilling.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (b):

Benefit: The proposed amendment clarifies the process through which the regulated community may request approval from the Division to use a tire disposal or processing method not previously approved by rule or statute. As the proposed process would be included as part of the existing permitting process

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (c) of existing rule:

Benefit: This paragraph is proposed to be removed as unnecessary because notification is no longer necessary since all scrap tire collection sites are required to obtain a permit from the Division unless they are exempted from that requirement by G.S. 130A-309.57(d).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (d) of existing rule, proposed as (c), Page 4, Line 16:

Benefit: The proposed amendment clarifies where the Scrap Tire Certification Forms may be obtained.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Rule .1105 Permit Required*Paragraph (a):*

Benefit: The proposed amendment clarifies what is meant by "his land", to be consistent with similar existing language in Subchapter 13B Rule .0201(b) which is applicable to all solid waste permits.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (b):

The proposed amendment is for clarification only, and updates the address for the Division.

Paragraph (c):

Benefit: The proposed amendment clarifies the term "non-transferable".

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (d) in existing rule:

Benefit: This paragraph is proposed to be removed as unnecessary because general requirements for the sanitary storage of solid waste are established in Subchapter 13B Rule .0104.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (e) in existing rule, proposed as (d), Page 5, Line 13:
The proposed amendments are for clarification or correction only.

Paragraph (f) in existing rule:

Benefit: This paragraph is proposed to be removed as unnecessary because the types of waste a sanitary landfill may accept and the relevant record-keeping requirements are established in the rules for the applicable permit type in Subchapter 13B, or are designated in the permit required in accordance with the rules in Subchapter 13B for sanitary landfills.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (g) in existing rule:

Benefit: This paragraph is proposed to be removed as unnecessary because the types of waste a sanitary landfill may accept and how that waste is disposed of or handled onsite are established in the rules for the applicable permit type in Subchapter 13B, or are designated in the permit required in accordance with the rules in Subchapter 13B for sanitary landfills.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (h) in existing rule, proposed as (e), Page 5, Line 19:

Benefit: The proposed amendment clarifies what is meant by proof of financial responsibility by adding a reference to the rule that establishes that requirement.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Rule .1106 Scrap Tire Collection Site Permit Requirements

Paragraph (a):

Benefit: The proposed amendment reduces the burden on the regulated community by allowing a permit to be issued for 5 years instead of 3 years. This change also minimally reduces the burden on state government by reducing the frequency for permit application reviews of the two active collection site permits.

Cost: See the evaluation above for the repeal of Rule .1102 regarding the submittal and receipt of permit fees.

Paragraph (b):

Benefit: The proposed amendment removes redundant language as storage limits are addressed in proposed Rule .1107(l) and (m), and clarifies that the permit simply needs to state what the storage limit is.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (c):

Benefit: The proposed amendment removes unnecessary language referring to statutes, clarifies ambiguous language, removes redundant language for compliance with local ordinances and other state laws, as existing language in Paragraph (d)(11) of this Rule requires a permit applicant submit a letter from the local government stating that the site is in compliance with local zoning ordinances, and proposed language in Paragraph (d)(16) of this Rule requires a permit applicant submit a letter from the Division of Energy, Land, and Mineral Resources stating that the site is in compliance with the Sedimentation Pollution Control Law (15A NCAC 4).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment, as existing rule requires that approvals be obtained from the applicable local and state agencies.

Paragraph (d):

Benefit: The proposed amendment makes technical or clarifying changes and removes unnecessary language. The proposed amendment reduces the burden on the regulated community as it removes language regarding the format and number of application copies required, which is unnecessary as electronic submittals are accepted. The proposed amendment adds a requirement in Paragraph (d)(3) that the permit applicant include a copy of the property deed for the site location, adds Paragraph (d)(15) which requires that tire collection sites show that they have a location at which to dispose of the tires they are collecting, and Paragraph (d)(16) which requires a permit applicant to submit a letter from the Division of Energy, Land, and Mineral Resources stating that the site is in compliance with the Sedimentation Pollution Control Law (15A NCAC 4), replacing the requirement that is proposed to be removed from Paragraph (c).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment, as property deeds are available free of charge from the county register of deeds office, and the two paragraphs proposed to be added are requesting a minimal amount of documentation be submitted for approvals which are required to be obtained in existing rule (Paragraphs (c)(6) and (d)(7) of this Rule).

Rule .1107 Scrap Tire Collection Site Operational Requirements*Paragraph (1):*

Benefit: The proposed amendment removes a reference to a Fire Protection document for storage of tires indoors as fire protection requirements are established and regulated by local governments. The proposed amendment also incorporates the requirement for annual reporting for collection sites which process tires, which is currently in existing Rule .1110(d), and Rule .1110 is proposed for repeal.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (2):

The proposed amendments make technical or clarifying changes; remove redundant or unnecessary language; and make the following changes to these subparagraphs:

(2)(c): Benefit: The proposed amendment provides a process for the Division to approve other methods for rodent and mosquito control if the applicant proposes an alternative method. This amendment is being proposed in response to comments from the regulated community, and seeks to reduce the burden of costs for rodent and mosquito control if a less expensive method can be used which is equally effective.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(e): Benefit: The proposed amendment incorporates the buffer requirement for flames to processed materials, as the current language in Rule .1110(a) for processing sites is proposed for repeal (and referred back to rules .1106 and .1107 for buffer requirements).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(h): Benefit: The proposed amendment simplifies and clarifies language for the buffer requirement to vegetation. The existing rule language establishes a requirement to keep the entire tire storage area free of flammable vegetation at all times. The proposed language clarifies that a buffer must be maintained between flammable vegetation and tires or tire material being stored at any time, which serves the true intention of a buffer requirement; and removes the unnecessary requirement that vegetation buffers be maintained even when no tires are on site, which reduces the burden on the regulated community.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(k): Benefit: The proposed amendment clarifies language and reduces the burden on the regulated community as it allows facilities to keep records in a format which is most convenient to their operations, while still allowing Division staff to access that information during an inspection or when requested.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(l): Benefit: The proposed amendment reduces redundancy by incorporating the storage limit for sites that process tires which is currently established in Rule .1110(a) (proposed for repeal).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(m): Benefit: The proposed amendment reduces redundancy by incorporating the requirements limiting the number of tires which can be accepted at sites that process tires which is currently established in Rule .1110(a) (proposed for repeal).

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(n): The proposed amendment incorporates the language proposed to be struck from paragraph (3)(a) of this Rule.

Cost and Benefits: No costs or benefits to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

(2)(o): Benefit: The proposed amendment establishes a requirement for a collection site to prepare and keep a contingency plan stating how tires will be handled or disposed of during circumstances which make the site unavailable for use, which ensures tires will be handled properly under those circumstances.

Cost: As this may be a short description of an alternate disposal site, and this information should have been required to be included in the permit application in accordance with Rule .1106(d)(7) and (9), no costs to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (3):

This paragraph is proposed to be removed as the language or requirements are proposed to be incorporated into Paragraph (2) of this Rule.

Cost and Benefits: No costs or benefits to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Paragraph (4):

This paragraph is proposed to be removed as it is unnecessary.

Cost and Benefits: No costs or benefits to the state or local government or the regulated community are expected to be incurred as a result of the rule amendment.

Rule .1108 Scrap Tire Disposal Site Permit and Operational Requirements

Benefit: The rule is proposed for repeal to avoid redundancy because the permit and operational requirements for disposal sites are established in Subchapter 13B Rules .0503, .0504, and .0505; or Section .1600 for municipal solid waste landfills.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule repeal because the rule only required that these sites be permitted in operated in accordance with the other rules mentioned above.

Rule .1109 Closure of Non-Conforming Sites

The proposed amendments are technical corrections or are for clarification only.

Rule .1110 Scrap Tire Processing Facilities

Benefit: The rule is proposed for repeal as the operational and permit requirements for scrap tire processing sites are proposed to be incorporated with the permit and operational requirements for scrap tire collection sites in Rules .1106 and .1107 to avoid redundancy.

Cost: No costs to the state or local government or the regulated community are expected to be incurred as a result of the rule repeal.

NOTE - Rule .1111 Financial Responsibility Requirements

The rule is not proposed for readoption at this time as the requirements are intended to be included under a proposed Section .1800 for Financial Assurance., at which time Rule .1111 would be either revised to reference Section .1800 or repealed.

Conclusion

Based on the above, none of the proposed rule amendments for Subchapter 13B Section .1100 Scrap Tire Management are expected to affect expenditures or revenues of any local government.

Based on the above, the impact to state government is minimal, with the only impact being a result of the repeal of Rule .1102, and a repeal does not require that a fiscal note be completed. The impact to the regulated community from the repeal of Rule .1102 is also minimal, is a benefit to the two facilities permitted as scrap tire collection sites, and reduces the burden on the regulated community in general; therefore, no fiscal note is required.

As the remaining rule amendments for Subchapter 13B Section .1100 Scrap Tire Management are not expected to require expenditure or distribution of State funds, or cause an aggregate annual impact to all affected parties of greater than or equal to one million dollars, no fiscal note is required for the readoption of these rules.

Appendix 1
Proposed Rules

1 15A NCAC 13B .1101 is proposed for reoption with substantive changes as follows:

2

3 **15A NCAC 13B .1101 DEFINITIONS**

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

5 (1) "Disposal site" means any place at which scrap tires are disposed of by sanitary landfill or
6 incineration. landfill, incineration, or other method as may be approved by the Division.

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

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

12

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

14 *Eff. October 1, ~~1990~~.1990;*

15 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1102 is proposed for readoption as a repeal as follows:

2

3 **15A NCAC 13B .1102 APPLICATION FEE AND ANNUAL PERMIT FEE**

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

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

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

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

10

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

12 *Eff. October 1, 1990.*

1 15A NCAC 13B .1103 is proposed for re adoption with substantive changes as follows:

2

3 **15A NCAC 13B .1103 GENERATOR OF SCRAP TIRES**

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

6

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

8 *Eff. October 1, ~~1990~~-1990;*

9 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1104 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 13B .1104 GENERAL CONDITIONS**

4 (a) Landfilling of whole scrap tires is prohibited. Shreds or portions of scrap tires less than half of a whole scrap
5 pneumatic tire shall be suitable for landfilling.

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

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

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

19

20 *History Note: Authority G.S. 130A-309.57, 130A-309.58;*

21 *Eff. October 1, 1990.1990;*

22 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1105 is proposed for readoption with substantive changes as follows:

2

3 **15A NCAC 13B .1105 PERMIT REQUIRED**

4 (a) No person, other than a person exempted by G.S. 130A-309.57(d), shall establish, operate or maintain, or allow
5 to be established, operated or maintained upon land owned, leased, or otherwise controlled by that person, his land, a
6 scrap tire collection site or scrap tire disposal site unless a permit for the site has been obtained from the Division.

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

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

11 ~~(d) Scrap tire collection sites exempt from permitting under G.S. 130A-309.57(d) and Rule .1105(i) of this Section~~
12 ~~are not subject to the storage requirements of Rule .1107 of this Section with the exception of Rule .1107(1) and (2)(c).~~

13 ~~(d)(e)~~ Trailers and covered roll-off containers used as scrap tire collection facilities are exempt from the requirements
14 of Rule .1106(c) of this Section with the exception of Subparagraphs (3) and (5). ~~3, 4, 8 and 10.~~

15 ~~(f) A permitted sanitary landfill, other than a demolition landfill is deemed permitted as a scrap tire disposal site.~~
16 ~~Records shall be maintained in accordance with Rule .1108(c) of this Section.~~

17 ~~(g) A permitted sanitary landfill operated by a unit of local government is deemed permitted as a scrap tire collection~~
18 ~~site and may store up to 25,000 scrap tires for the purpose of comprising a marketable commodity.~~

19 ~~(e)(h)~~ Scrap tire collection sites operated by units of local government are exempt from the financial responsibility
20 requirements established in Rule .1111 of this Section. Units of local government are not required to provide proof
21 of financial responsibility.

22

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

24 *Eff. October 1, 1990, 1990;*

25 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1106 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 13B .1106 SCRAP TIRE COLLECTION SITE PERMIT REQUIREMENTS**

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

7 (b) A permit shall specify the storage limit for a ~~limit the number of tires stored at a scrap tire collection site. site to~~
8 ~~the stated number of tires shipped off site and/or disposed of on site per month, unless otherwise specified by the~~
9 ~~Division. At no time shall more than 60,000 scrap tires be stored at a scrap tire collection site. Storage limits for~~
10 ~~collection sites permitted in association with processing facilities shall be determined as in Rule .1110(a).~~

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

12 (1) ~~A a site shall not be located within either the 100-year floodplain or 100 feet of any surface~~
13 ~~water; water.~~ A site shall not be located within any wetland as defined in the Federal Clean Water
14 Act, section 404(b)(1). ~~404(b)(1), which is hereby incorporated by reference, including any~~
15 ~~subsequent amendments or additions.~~

16 (2) ~~A a site shall maintain a minimum of a 50-foot buffer between all property lines and scrap tire~~
17 ~~storage areas; areas;~~

18 (3) ~~The site and proposed plan shall comply with all requirements of the local zoning ordinance.~~

19 (3)(4) ~~The the site shall be served by an access road which that shall be kept passable at all times for any~~
20 ~~motor vehicle, including fire trucks; trucks, at all times.~~

21 (4)(5) ~~Drainage shall be effective to the site shall be designed to prevent standing water on-site and shall~~
22 ~~not cause prevent off-site drainage problems; problems;~~

23 (6) ~~A site shall meet the requirements of the Sedimentation Pollution Control Law (15A NCAC 4).~~

24 (7) ~~A site shall meet the screening requirements of N.C.G.S. 136-144, if applicable.~~

25 (5)(8) ~~Access access to the site shall be controlled to prevent unauthorized entry through the use of barriers~~
26 ~~such as fences, gates, or berms; berms, natural barriers or other means.~~

27 (6)(9) ~~The the site shall be bermed or given other protection, if necessary designed to prevent keep liquid~~
28 ~~runoff from a potential tire fire from entering any surface water; and water.~~

29 (10) ~~The provider of fire protection services for the site shall be identified in the permit application.~~

30 (d) ~~In addition to the form prescribed and provided by the Division, three copies of the The~~ following information
31 shall be submitted to the Division in an application for a scrap tire collection site permit:

32 (1) ~~Name name~~ name and location of proposed facility, including street address or state road number, city,
33 county, and zip code; ~~code.~~

34 (2) ~~Name, name,~~ address, telephone ~~number number,~~ and signature of site operator; ~~operator.~~

35 (3) ~~Name, name,~~ address, telephone ~~number number,~~ and signature of property owner, owner, ~~and a~~
36 copy of the deed or other legal description of the site that would be sufficient as a description in
37 an instrument of conveyance, showing property owner's name;

- 1 (4) ~~A a~~ map or aerial photograph ~~accurately~~ showing the area within one-fourth mile of the site, and
 2 identifying the following:
- 3 (A) ~~Entire~~ the property owned or leased for use as a scrap tire collection site by the applicant;
 4 and
- 5 (B) ~~Location~~ the location of all homes, buildings, public or private utilities, roads, wells, water
 6 courses, ~~floodplains~~ floodplains, and other ~~applicable~~ details regarding the topography;
 7 topography.
- 8 (5) ~~Aa~~ description of the ~~general~~ operation of the facility; ~~facility~~.
- 9 (6) ~~Sources~~ sources and quantity of tires expected, expressed in tons (~~assume 100 tires per ton or ten~~
 10 ~~tires per cubic yard~~) to be received per month; quantity of tires to be stored on-site and quantity of
 11 tires to be shipped off-site per month; ~~month~~.
- 12 (7) ~~Plans~~ plans for disposition of all tires collected at the site, including the names, addresses, ~~addresses~~
 13 and permit information, if applicable, of all facilities where the tires will be recycled, processed, ~~or~~
 14 disposed; ~~processed or disposed~~.
- 15 (8) ~~Projected~~ the projected date of commencing operation; ~~operation~~.
- 16 (9) ~~A a~~ description of how any waste resulting from the operation of the tire site will be disposed;
 17 ~~disposed~~.
- 18 (10) ~~A a~~ description of how the scrap tire collection site will meet the siting and design requirements of
 19 Paragraph (c) of this Rule; ~~Rule .1106(e)~~.
- 20 (11) ~~A a~~ letter stating that this use complies with local zoning from the unit of local government having
 21 zoning authority over the site. If no zoning is applicable, the unit of local government shall provide
 22 documentation to that effect; ~~effect~~.
- 23 (12) ~~A a~~ letter from the local fire protection authority accepting the responsibility for fire protection
 24 services and an annual fire safety survey for the site; ~~site~~.
- 25 (13) ~~A a~~ description of how the scrap tire collection site will meet the operational requirements of Rule
 26 .1107 of this Section; ~~Section~~.
- 27 (14) ~~Documentation~~ documentation of the operator's ability to meet the financial responsibility
 28 requirements of Rule .1111 of this Section; ~~Section~~.
- 29 (15) documentation that all processors or recyclers have access to a disposal site that is permitted to
 30 receive scrap tires;
- 31 (16) documentation from the Division of Energy, Land, and Mineral Resources within the Department
 32 stating that the planned site use and operations comply with the requirements of the Sedimentation
 33 Pollution Control Law (15A NCAC 4);

34
 35 *History Note:* Authority G.S. 130A-309.57;
 36 Eff. October 1, 1990; 1990;
 37 Readopted Eff. September 1, 2018.

1 15A NCAC 13B .1107 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 13B .1107 SCRAP TIRE COLLECTION SITE OPERATIONAL REQUIREMENTS**

4 Scrap tire collection sites shall meet the following operational requirements:

- 5 (1) Owners and operators of collection sites that process scrap tires shall submit to the Division an
6 annual report by August 1 of each year, for the previous calendar year. The report shall be submitted
7 on a form prescribed by the Division. The following information shall be included in the report:
8 (a) the facility name, address, and permit number;
9 (b) the year covered by the report;
10 (c) the total quantity and type of scrap tires or processed tires received at the facility during
11 the year covered by the report;
12 (d) the total quantity and type of scrap tires or processed tires shipped from the facility during
13 the year covered by the report;
14 (e) the quantity of scrap tires or processed tires shipped to each receiving facility identified by
15 name and address; and
16 (f) the total quantity and type of scrap tires or processed tires located at the facility on January
17 1 of the year covered by the report.

18 ~~Scrap tires stored indoors shall be stored under conditions that meet those in "The Standard for~~
19 ~~Storage of Rubber Tires", NFPA 231D 1986 edition, published by the National Fire Protection~~
20 ~~Association, Batterymarch Park, Quincy, Massachusetts, which has been adopted in accordance~~
21 ~~with G.S. 150B-14(e). Copies of this document are available for inspection at the Department.~~

- 22 (2) All scrap tire collection, ~~processing~~ processing, or disposal sites ~~which~~ that store scrap tires or
23 processed tires outdoors ~~must~~ shall comply with the following technical and operational standards:
24 (a) Whole scrap tires shall be placed in an outdoor scrap tire pile(s) having dimensions no
25 greater than 200 feet in length, 50 feet in ~~width~~ width, and 15 feet in height.
26 (b) A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire pile. Access
27 to the fire lane for emergency vehicles shall be unobstructed and passable at all times.
28 (c) The owner or operator of any scrap tire collection site shall control mosquitoes and rodents
29 ~~so as~~ to protect the public health and welfare. Whole and ~~sliced~~ partial scrap tires, and
30 ~~other~~ scrap tires capable of holding water shall be covered upon receipt with a water
31 shedding material or disposed of, ~~processed~~ processed, or removed from the site within ten
32 days of receipt. Sliced scrap tires stacked concave-side down ~~shall not be~~ are not required
33 to be covered. The Division may approve other methods of rodent and mosquito control,
34 if the owner or operator submits a request for the proposed method in writing to the
35 Division, and demonstrates the effectiveness of this method to be protective of public
36 health and the environment, and to comply with the requirements of this Subchapter.

- 1 (d) If the scrap tire collection site receives tires from persons other than the operator of the
 2 site, a sign shall be posted at the entrance of the site and the sign shall state the operating
 3 hours. An attendant shall be present when the site is open for receipt of tires.
- 4 (e) No operations involving the use of open flames, blow ~~torches, torches~~ or highly flammable
 5 substances shall be conducted within 50 feet of a scrap tire or processed materials pile.
- 6 (f) A fire safety survey shall be conducted annually by local fire protection authorities that
 7 accepted responsibility for fire protection services in the letter submitted in accordance
 8 with Rule.1106(d)(12) of this Section; authorities or other persons as approved by the
 9 Division.
- 10 (g) Communication equipment shall be maintained at the scrap tire collection site to assure
 11 that the site operator ~~can~~ is able to contact local fire protection authorities in case of a fire.
- 12 (h) ~~The scrap tire storage area(s) within the scrap tire collection site shall be kept free of~~
 13 ~~Debris, grass, underbrush, and other potentially flammable vegetation shall not be within~~
 14 ~~10 feet of scrap tires or processed materials. at all times.~~
- 15 (i) The operator of the scrap tire collection site shall prepare and keep an emergency
 16 preparedness manual at the site. The manual shall be updated at least once a year, or upon
 17 changes in operations at the site, site, or as required by the Department. The manual shall
 18 contain the following elements:
- 19 (i) A a list of names and numbers of persons to be contacted in the event of a fire,
 20 ~~flood~~ flood, or other emergency;
- 21 (ii) A a list of the emergency response equipment at the scrap tire collection site, its
 22 location, and how it should be used in the event of a fire or other emergency;
- 23 (iii) A a description of the procedures that should be followed in the event of a fire,
 24 including procedures to contain and dispose of the oily material generated by the
 25 combustion of large numbers of tires; and
- 26 (iv) A a listing of all hazardous materials stored on-site, their location, locations and
 27 information regarding precautions, precautions which should be taken with these
 28 materials.
- 29 (j) The operator of the scrap tire collection site shall within 24 hours immediately notify the
 30 Division in the event of a fire or other emergency if that emergency has potential off-site
 31 effects. Within two weeks of any emergency involving potential off-site impact, the
 32 operator of the site shall submit to the Division a written report describing the cause(s) of
 33 the emergency, actions taken to deal with the emergency, results of the actions taken, and
 34 an analysis of the success or failure of these actions.
- 35 (k) The operator of the scrap tire collection site shall maintain the following records and make
 36 them available for inspection by the Division at the Division's request: at his in-state place
 37 of principal business a copy of the permit with required attachments,

- 1 (i) a copy of the permit;
- 2 (ii) records of the quantity of scrap tires and processed tires received at the site, stored
- 3 at the site and shipped from the site, including destination (name and address of facility);
- 4 facility)-and
- 5 (iii) all certification forms applicable to any tires received, ~~stored~~ stored, or shipped
- 6 from the site.
- 7 (l) Unless otherwise specified by the Division in the facility permit, the ~~The~~ number of scrap
- 8 tires stored at a scrap tire collection site shall not exceed 60,000 tires on site at any time
- 9 and shall not exceed the stated number of scrap tires shipped off-site per month plus the
- 10 stated number of scrap tires disposed of on-site per month, except that the storage limit for
- 11 collection sites associated with scrap tire processing facilities shall be determined by
- 12 multiplying the daily through put of the processing equipment used by 30, ~~unless otherwise~~
- 13 specified by the Division. ~~At no time shall more than 60,000 scrap tires be stored at a scrap~~
- 14 tire collection site. ~~Storage limits for collection sites permitted in association with~~
- 15 processing facilities shall be determined as in Rule .1110(a) of this Section.
- 16 (m) A scrap tire processing facility shall not accept any scrap tires for processing above the
- 17 number that may be processed daily if it has reached its storage limit. At least 75 percent
- 18 of both the scrap tires and processed tires that are delivered to or maintained on the site of
- 19 the scrap tire processing facility site shall be processed and removed for recycling or
- 20 disposal at a solid waste management facility permitted by the Division to receive such
- 21 waste within one year of their receipt.
- 22 (n) The temperature of any above ground piles of compacted, processed tires over 1,000 cubic
- 23 yards in size shall be monitored and shall not exceed 300 degrees Fahrenheit. Temperature
- 24 control measures shall be instituted so that pile temperatures do not exceed 300 degrees
- 25 Fahrenheit. Temperature monitoring and controls shall not be required for processed tires
- 26 disposed of in sanitary landfills permitted by the Division to receive such waste.
- 27 (o) The operator of the scrap tire collection site shall prepare and keep a contingency plan
- 28 stating disposal methods or other means to handle tires during adverse weather, equipment
- 29 failure, or other conditions that cause the site to be unavailable.
- 30 (3) Processed tires shall be stored in accordance with the requirements of indoor or outdoor storage in
- 31 this Rule, and in accordance with the following:
- 32 (a) The temperature of any above ground piles of compacted, processed tires over 1,000 cubic
- 33 yards in size shall be monitored and may not exceed 300 degrees Fahrenheit. Temperature
- 34 control measures shall be instituted so that pile temperatures do not exceed 300 degrees
- 35 Fahrenheit. ~~Temperature monitoring and controls are not required for processed tires~~
- 36 disposed of in permitted landfills.

1 ~~(b) Any residuals from a scrap tire collection site shall be managed so as to be contained~~
2 ~~on site, and shall be controlled and disposed of in a permitted solid waste management~~
3 ~~facility or properly recycled.~~

4 ~~(4) The Division may approve exceptions to the preceding technical and operational standards for a~~
5 ~~person collecting scrap tires if:~~

6 ~~(a) At least once during each 30 day period all scrap tires, including processed tires, are~~
7 ~~removed from the site for processing or disposal; and~~

8 ~~(b) The Division and the local fire authority are satisfied that the site owner or operator has~~
9 ~~sufficient fire suppression equipment or materials on site to extinguish any potential tire~~
10 ~~fire within an acceptable length of time.~~

11
12 *History Note: Authority G.S. 130A-309.57;*

13 *Eff. October 1, ~~1990~~.1990;*

14 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1108 is proposed for readoption as a repeal as follows:

2

3 **15A NCAC 13B .1108 SCRAP TIRE DISPOSAL SITE PERMIT AND OPERATIONAL**

4

REQUIREMENTS

5 ~~(a) Scrap tire disposal site shall be permitted and operated in accordance with the provisions of Rules .0503, .0504,~~
6 ~~and .0505 of this Subchapter. Permits shall be recorded in accordance with Rule .0204 of this Subchapter. A proposal~~
7 ~~to establish a scrap tire monofill at a permitted sanitary landfill may be submitted as an application for modification~~
8 ~~of the construction plan. A scrap tire monofill may not be located in any required buffer zone.~~

9 ~~(b) Scrap tires may not be burned in a permitted solid waste incinerator without a permit modification from the~~
10 ~~Division.~~

11 ~~(c) The operator of a permitted scrap tire disposal site shall maintain at his in-state place of principal business, a copy~~
12 ~~of the permit with required attachments. Records of the quantity of scrap tires and processed tires received and~~
13 ~~disposed of at the site, and all certification forms applicable to any tires received and disposed at the site shall be~~
14 ~~maintained for a period of three years.~~

15

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

17 *Eff. October 1, 1990.*

18

1 15A NCAC 13B .1109 is proposed for readoption with substantive changes as follows:

2
3 **15A NCAC 13B .1109 CLOSURE OF NON-CONFORMING SITES**

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

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

- 6 (1) ~~Prevent prevent~~ public access to the site;
- 7 (2) ~~Post post~~ a notice indicating the site is closed and the nearest permitted site where scrap tires may
8 ~~can~~ be deposited;
- 9 (3) ~~Notify notify~~ the Division of the closing ~~and obtain Departmental approval of the plan to remove~~
10 ~~tires prior to tire removal;~~
- 11 (4) ~~Remove remove~~ all scrap tires, processed ~~tires tires~~ and residuals to a scrap tire collection site
12 ~~processing facility, that is permitted in accordance with this Section, or that is exempt from~~
13 permitting pursuant to G.S. 130A 309.57(d); or to a solid waste management facility permitted by
14 the Division to accept scrap tires or processed tires, a legitimate user of processed tires, or other
15 facility approved by the Division; and provide receipts to the Division by a deadline that shall be
16 specified by the Division; and
- 17 (5) ~~Remove remove~~ any solid waste to a ~~permitted~~ solid waste management facility permitted by the
18 Division to receive such waste facility;
- 19 (6) ~~Provide documentation that tires were received by approved facility; and~~
- 20 (7) ~~Notify the Department when closure is complete.~~

21 (c) Once all requirements set forth in Paragraph (b) of this Rule are complete, the owner or operator shall notify the
22 Division in writing.

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

24 *Eff. October 1, ~~1990~~ 1990;*

25 *Readopted Eff. September 1, 2018.*

1 15A NCAC 13B .1110 is proposed for readoption as a repeal as follows:
2

3 **15A NCAC 13B .1110 SCRAP TIRE PROCESSING FACILITIES**

4 ~~(a) Scrap tire collection sites to be permitted in association with scrap tire processing facilities shall be permitted and~~
5 ~~operated in accordance with the provisions of Rules .1106 and .1107 of this Section, except that the storage limit shall~~
6 ~~be determined by multiplying the daily through put of the processing equipment used by 30. A scrap tire processing~~
7 ~~facility shall not accept any scrap tires for processing above the number which can be processed daily if it has reached~~
8 ~~its storage limit. At least 75 percent of both the scrap tires and processed tires that are delivered to or maintained on~~
9 ~~the site of the scrap tire processing facility site shall be processed and removed for recycling or disposal at a permitted~~
10 ~~solid waste management facility within one year of their receipt. Processed tires stored for recycling or disposal are~~
11 ~~subject to the storage requirements specified in Rule .1107 of this Section unless otherwise authorized by the Division.~~

12 ~~(b) Wastes resulting from the operation of the scrap tire processing facility shall be evaluated in accordance with 15A~~
13 ~~NCAC 13B .0103(e) prior to disposal.~~

14 ~~(c) The owner or operator of a scrap tire processing facility shall record and maintain for three years the following~~
15 ~~information, and these records shall be available for inspection by Division personnel during normal business hours:~~

16 (1) ~~For all scrap tires and processed tires shipped from the facility: the name of the hauler, the hauler or~~
17 ~~merchant identification number of the tire hauler who accepted the scrap or processed tires for~~
18 ~~transport, the quantity of scrap or processed tires shipped with that hauler, designation of scrap or~~
19 ~~processed tires (name and address of facility), and documentation of receipt of tires by the receiving~~
20 ~~facility;~~

21 (2) ~~For all scrap tires and processed tires received at the facility: the name of the hauler, the hauler or~~
22 ~~merchant identification number of the scrap tire hauler who delivered the scrap or processed tires to~~
23 ~~the facility, the quantity of scrap or processed tires received from that hauler and where the tires~~
24 ~~originated (name and address of facility);~~

25 (3) ~~For tires received, stored, shipped or processed, completed certification forms as required by G.S.~~
26 ~~130A-309.58(f) except for quantities of five tires or less brought for processing by someone other~~
27 ~~than a tire collector, tire processor or tire hauler.~~

28 ~~(d) Owners and operators of scrap tire processing facilities shall submit to the Division an annual report, by March 1~~
29 ~~of each year, that summarizes the information collected under Paragraph (c) of this Rule for the previous calendar~~
30 ~~year. The report shall be submitted on a form prescribed and provided by the Division. The following information~~
31 ~~shall be included, at a minimum:~~

32 (1) ~~The facility name, address, and permit number, if any;~~

33 (2) ~~The year covered by the report;~~

34 (3) ~~The total quantity and type of scrap tires or processed tires received at the facility during the year~~
35 ~~covered by the report;~~

36 (4) ~~The total quantity and type of scrap tires or processed tires shipped from the facility during the year~~
37 ~~covered by the report;~~

From: [Hollis, Carrie](#)
To: [Montie, Jessica](#)
Cc: [Everett, Jennifer](#); [Lorscheider, Ellen](#); [Mussler, Ed](#)
Subject: RE: Regulatory Impact Analysis for 15A NCAC 13B Section .1100 Readoption
Date: Friday, February 16, 2018 3:14:17 PM
Attachments: [image002.png](#)
[image003.png](#)

Jessica,

I have reviewed the proposed scrap tire management rule amendments and the RIA, and I agree with your assessment that no fiscal note is required.

Have a good weekend,

-Carrie

Carrie Hollis

Economic Analyst
Demographic and Economic Analysis Section
NC Office of State Budget and Management

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From: Montie, Jessica
Sent: Wednesday, February 14, 2018 4:45 PM
To: Hollis, Carrie <carrie.hollis@osbm.nc.gov>
Cc: Everett, Jennifer <jennifer.everett@ncdenr.gov>; Lorscheider, Ellen <ellen.lorscheider@ncdenr.gov>; Mussler, Ed <ed.mussler@ncdenr.gov>
Subject: Regulatory Impact Analysis for 15A NCAC 13B Section .1100 Readoption

Carrie, I have attached for your review a Regulatory Impact Analysis for Readoption and Amendments to 10 rules in 15A NCAC 13B Section .1100 Scrap Tire Management. The proposed rule text is included in the file as Appendix 1.

We are taking the proposed rules to the Environmental Management Commission in May 2018 for public comment and hearing, so we would like to be sure we don't need to have a fiscal note prepared before the meeting agenda submittal deadline of April 13, 2018. The summary also includes a rule-making schedule.

Please let me know if you have any questions, and thank you so much for your time.

Jessica Montie

Environmental Program Consultant
Field Operations Branch, Solid Waste Section
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