

1 15A NCAC 13B .1101 is readopted as published in 32:24 NCR 2717 as follows:

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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.~~

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

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

15 *Readopted Eff. December 1, 2018.*

1 15A NCAC 13B .1102 is repealed through readoption as published in 32:24 NCR 2717 as follows:

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

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

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

7 *Repealed Eff. December 1, 2018.*

1 15A NCAC 13B .1103 is readopted as published in 32:24 NCR 2717 as follows:

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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).

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

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

9 *Readopted Eff. December 1, 2018.*

1 15A NCAC 13B .1104 is readopted with changes as published in 32:24 NCR 2717 as follows:

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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 be  
9 included with a permit application or renewal submitted to the Division in accordance with Rule .1106 of this Section,  
10 and [may] shall be approved by the Division if the owner or operator demonstrates that the proposed method meets  
11 the following conditions:

12 (1) is protective of human health and the environment;

13 (2) does not create a nuisance or safety hazard; and

14 (3) complies with the requirements of this Subchapter.

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

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

21  
22 *History Note: Authority G.S. 130A-309.57, 130A-309.58;*

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

24 *Readopted Eff. December 1, 2018.*

1 15A NCAC 13B .1105 is readopted as published in 32:24 NCR 2717 as follows:

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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-transferrable.~~

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 (c)(3) and (c)(5) of this Rule. ~~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 of~~  
21 ~~financial responsibility.~~

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

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

25 *Readopted Eff. December 1, 2018.*

1 15A NCAC 13B .1106 is readopted with changes as published in 32:24 NCR 2717 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 water;  
13 ~~water.~~ A site shall not be located within any wetland as defined in the Federal Clean Water Act,  
14 section ~~404(b)(1).~~ 404(b)(1), which is hereby incorporated by reference, including any subsequent  
15 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; and 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.

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 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 an  
37 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) A a 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 quantity of tires, expressed in tons, for the following:
- 13 (A) the quantity expected to be received per month from each source;
- 14 (B) the quantity expected to be shipped off-site per month; and
- 15 (C) the quantity expected to be stored on-site.
- 16 (7) ~~Plans~~ plans for disposition of all tires collected at the site, including the names, addresses, ~~addresses~~  
17 and permit information, if applicable, of all facilities where the tires will be recycled, processed, or  
18 disposed; ~~processed or disposed~~.
- 19 (8) ~~Projected~~ the projected date of commencing operation; ~~operation~~.
- 20 (9) A a description of how any waste resulting from the operation of the tire site will be disposed;  
21 ~~disposed~~.
- 22 (10) A a description of how the scrap tire collection site will meet the siting and design requirements of  
23 Paragraph (c) of this Rule; Rule .1106(e).
- 24 (11) A a letter stating that this use complies with local zoning from the unit of local government having  
25 zoning authority over the site. If no zoning is applicable, the unit of local government shall provide  
26 documentation to that effect; ~~effect~~.
- 27 (12) A a letter from the local fire protection authority accepting the responsibility for fire protection  
28 services and an annual fire safety survey for the site; site.
- 29 (13) A a description of how the scrap tire collection site will meet the operational requirements of Rule  
30 .1107 of this Section; Section.
- 31 (14) ~~Documentation~~ documentation of the operator's ability to meet the financial responsibility  
32 requirements of Rule .1111 of this Section; Section.
- 33 (15) documentation that all processors or recyclers have access to a disposal site that is permitted to  
34 receive scrap tires; and
- 35 (16) documentation from the Division of Energy, Land, and Mineral Resources within the Department  
36 stating that the planned site use and operations comply with the requirements of the Sedimentation  
37 Pollution Control Law (15A NCAC 04).

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

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

4 *Readopted Eff. December 1, 2018.*

1 15A NCAC 13B .1107 is readopted with changes as published in 32:24 NCR 2717 as follows:

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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 other  
30 scrap tires capable of holding water shall be covered upon receipt with a water shedding  
31 material or disposed of, ~~processed~~ processed, or removed from the site within ten days of  
32 receipt. Sliced scrap tires stacked concave-side down ~~shall not be~~ are not required to be  
33 covered. The Division may approve other methods of rodent and mosquito control, if the  
34 owner or operator submits a request for the proposed method in writing to the Division,  
35 and demonstrates the effectiveness of this method to be protective of public health and the  
36 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 to 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  
4 facility); 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.~~

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

1 15A NCAC 13B .1108 is repealed through readoption as published in 32:24 NCR 2717 as follows:

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

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

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

8 *Repealed Eff. December 1, 2018.*

9

1 15A NCAC 13B .1109 is readopted as published in 32:24 NCR 2717 as follows:

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

1 15A NCAC 13B .1110 is repealed through readoption as published in 32:24 NCR 2717 as follows:

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

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

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

7 *Repealed Eff. December 1, 2018.*

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