

**RULES  
OF  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION CHAPTER  
391-3-4.19  
SCRAP TIRE MANAGEMENT**

**PROPOSED AMENDMENTS TO THE RULES  
OF THE DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION DIVISION  
RELATING TO SCRAP TIRE MANAGEMENT, CHAPTER 391-4-4.19**

The Rules of the Department of the Natural Resources, Chapter 391-3-4.19, Scrap Tire Management, are hereby amended and revised for Specific Rules, or such subdivisions thereof as may be indicated.

**[Note: Underlined text is proposed to be added. Line through text is proposed to be deleted.]**

**391-3-4.19 Amended.**

**(1) Applicability.**

(a) Scrap tire handling shall be regulated from the point of generation through the point of final disposition in accordance with this Rule. The provisions of this Rule, except where exemptions apply, shall apply to all persons presently engaged in, or proposing to be engaged in, the retail sale of new replacement tires and/or the handling of scrap tires, and/or the collection, inventory and marketing of used tires.

(b) All persons subject to regulation under this Rule shall, in addition to the requirements of Rule -.19, handle scrap tires in accordance with the provisions of O.C.G.A. § 12-8-20, *et seq.*, and the Rules for Solid Waste Management, Chapter 391-3-4, applicable to solid waste.

**(2) Definitions. For the purposes of this Rule:**

“Beneficial reuse” means utilizing whole or processed scrap tires as an alternative material for projects approved by the Division.

“End user” means the last person who uses the scrap tires, chips, crumb rubber, or similar materials to make a product with economic value, or, in the case of energy recovery, the person who uses the heat content or other form of energy from the incineration or pyrolysis of waste tires, chips or similar materials.

“Financial Assurance” means a mechanism designed to demonstrate that funds will be available to ensure compliance with statutory, regulatory and permit requirements of tire carriers and processors. The financial mechanism must be a surety bond. (Please note that surety bond is specifically referenced in Act.)

“Manufacturer” means a person who produces new tires from raw materials for the original intended use on, but not limited to, automobiles, trucks, motorcycles, trailers, recreational vehicles, construction equipment, earth-moving equipment and aircraft.

“Mixed Tires” means a group of tires that may consist of “used tires,” “retreadable casings” and “scrap tires.”

“Organized Site Cleanup Activity” means scrap tire abatement activities organized by a group, local government, non-profit, or organization.

“Point of Final Disposition” means a location approved by the Division to receive scrap tires including, but not limited to, scrap tire processors, scrap tire sorters, scrap tire transfer stations and end users.

“Residuals” means by-products resulting from the processing of scrap tires including, but not limited to, fibers, metals, inner tubes and rims.

“Retreadable Casing” means a scrap tire suitable for retreading and that has been certified as being retreadable. (EPD needs further clarification from stakeholders on this suggested definition and the certification process.)

“Scrap Tire” means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

“Scrap Tire Generator” means any person who generates scrap tires including, but not limited to, tire retailers; retreaders; scrap tire processors; automobile dealers; private company vehicle maintenance shops; used tire dealers; garages and service stations; and city, county and state governments.

“Scrap Tire Processing” means any method, system, or other treatment designed to change the physical form, size or chemical content of scrap tires and includes all aspects of its management (administration, personnel, land, equipment, buildings and other elements). Processing includes, but is not limited to, shredding, baling, recycling or sorting of scrap tires.

“Scrap Tire Processor” means any person approved through a permit issued by the Division to receive and process scrap tires.

“Scrap Tire Sorter” means any person approved through a permit issued by the Division to separate mixed tires.

“Scrap Tire Transfer Station” means a facility designed to store scrap tires prior to their transportation to a point of final disposition.

“Tire” means a continuous solid or pneumatic rubber covering designed for encircling the wheel of a motor vehicle and which is neither attached to the motor vehicle nor a part of the motor vehicle as original equipment.

“Tire Carrier” means any person engaged in collecting or transporting tires, other than new tires.

“Tire Manifest” means a form or document used to identify the quantity, composition, origin, routing and destination of scrap tires during transportation from the point of generation through any intermediate points to an end user, processor or disposer (i.e., point of final disposition) approved by the Division.

“Tire Retailer” means any person, other than a used motor vehicle parts dealer licensed in accordance with Chapter 47 of Title 43, engaged in the business of selling new replacement tires or used tires.

“Tire Retreader” means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.

“Ultimate Consumer” means the last person who receives and uses a new replacement tire.

“Used Tire” means a tire that has a minimum of 2/32-inch of road tread and that is still suitable for its original intended purpose, but is no longer new. A tire retailer shall inventory and market used tires in substantially the same fashion as new tires, be able to provide satisfactory evidence to the Division that a market for the tires exists and that the tires are, in fact, being marketed as used tires. A used tire shall not be considered solid waste.

“Used Tire Dealer” means a person selling used tires as defined in this Rule.

### (3) Tire Retailers.

(a) Beginning July 1, 1992, a tire management fee is imposed upon the retail sale of all new replacement tires in this state of \$1.00 per tire sold. The fee shall be collected by tire retailers at the time the retail dealer sells a new replacement tire to the ultimate consumer; provided, however, that a Georgia tire distributor who sells tires to retail dealers must collect such fees from any retail dealer who does not have a valid scrap tire generator identification number issued by the Division.

1. New replacement tires include, but are not limited to, automobile, truck, heavy equipment, motor bike, boat and other trailers, aircraft and recreational vehicles.

2. Local and state governments are not exempt from the fee.

3. The fee shall not be imposed on the sale of:

(i) Tires with a rim size less than 12 inches;

(ii) Tires from any device moved exclusively by human power; or

(iii) Tires used exclusively for agricultural purposes, except farm truck tires. (Please note the term "truck" is used in the Act.)

(b) Tire retailers shall submit a quarterly tire fee report to the Division certifying the number of new replacement tires sold. Tire retailers shall remit the fee on forms provided by the Division, along with the tire fee report, by the 30<sup>th</sup> day of April, July, October and January of each year and covering the period for the preceding calendar quarter.

(c) In collecting, reporting and paying the fees due under this section, each tire retailer shall be allowed the following deductions, but only if the amount due was not delinquent at the time of payment:

1. A deduction of three percent of the first \$3,000.00 of the total amount of all fees reported due on such report; and

2. A deduction of one-half of one percent of the portion exceeding \$3,000.00 of the total amount of all fees reported on such report.

(4) Scrap Tire Generators.

(a) Any person who generates scrap tires in this State shall have a scrap tire generator identification number (ID number) issued by the Division. The ID number shall be used on tire manifests. A separate ID number shall be required for each business location.

(b) The following persons shall not be required to have an ID number:

1. Scrap tire generators who generate scrap tires at out-of-state locations and ship their scrap tires to a point or points of final disposition in Georgia; and

2. The ultimate consumer transporting only their own scrap tires to a point or points of final disposition.

(c) Scrap tire generators shall initiate a tire manifest to track scrap tires from the point of generation to the point of final disposition, or in the case of a business transferring tires from one business location to another business location operated by the same owner.

The tire manifest, in a format approved by the Division, shall include, but not be limited to, the following information:

1. Name, address, telephone number and scrap tire generator identification number;
2. An estimate ~~(accurate to within 10 percent of the actual number or weight received at the point of final disposition)~~ of the number or weight and type of scrap tires to be transported;
3. Signature of the generator certifying the estimate and the date the scrap tires were picked up;
4. Name, address, telephone number and permit number of the tire carrier;
5. Signature of the permitted tire carrier, the date of pickup from the generator and the date of delivery to the point of final disposition;
6. Name, address, telephone number and permit number of the point of final disposition;
7. Signature of the point of final disposition's authorized representative certifying the weight (in tons or number of tires) and the date received from the carrier.

(d) If a generator chooses to use tons of tires rather than actual number of tires on the tire manifest for passenger and truck tires, the following conversion factor must be used:

1. Passenger Tires: 2,000 lbs. (one ton) = 100 tires (20 lbs./tire)
2. Truck Tires: 2,000 lbs. (one ton) = 20 tires (100 lbs./tire)

(e) Scrap tire generators shall ensure that any person collecting and transporting their scrap tires holds a valid tire carrier permit issued by the Division and that their scrap tires were delivered to the point of final disposition designated by the generator on the scrap tire manifest.

(f) Scrap tire generators shall retain a copy of the tire manifest signed and dated by the carrier at the time the scrap tires were collected or transported. This tire manifest copy should be kept until the generator receives the original tire manifest signed by the generator, carrier and point of final disposition. The original tire manifests shall be kept on-site for a period of three years.

(g) A scrap tire generator shall notify the Division of any carrier who fails to return a properly completed tire manifest to the generator within 30 days from scrap tire pickup. Such notification shall be filed within 15 days following any failure of the carrier to deliver tire manifests with original signature to the generator.

(h) Scrap tire generators may designate whether a tire, because of wear, damage or defect, is a “used tire” or “retreadable casing” as defined in these Rules. However, if a generator fails to designate which tires are “used tires,” or “retreadable casings” ~~or “scrap tires,”~~ then all tires transported shall be considered scrap tires and must be indicated as such on the tire manifest.

(5) Tire Carriers.

(a) Unless otherwise exempted, any person collecting or transporting used or scrap tires shall have a tire carrier permit issued by the Division. A permit shall not be issued unless the financial assurance, as provided for in these Rules, has been submitted and approved by the Division.

(b) A separate permit and financial assurance instrument shall be required for each tire carrier business location.

(c) A tire carrier shall transport scrap tires only to a point of final disposition as defined in these Rules.

(d) Storage of scrap tires by carriers is prohibited. For the purpose of this Rule, scrap tires delivered to a point of final disposition within five days are considered to be “in transit,” not in storage, and subject to the following requirements:

1. “In transit” scrap tires shall remain in the enclosed collection vehicle until delivered to a point of final disposition.
2. The transfer of any scrap tires between vehicles must occur at a scrap tire transfer station permitted by the Division.
3. The total number of scrap tires stored shall not exceed 1,500 scrap tires. No scrap tires may be stored on the ground.
4. A tire manifest documenting the transfer activity is not required.
5. Sorting is not allowed unless the transfer station is approved as a scrap tire sorting facility.
6. The vehicle designated to hold tires transferred from a smaller collection vehicle must be transported to a Division approved point of final disposition within five days of the earliest date that tires are received at the transfer station. The beginning of a five day period is determined by the earliest date contained in Part 1 of the tire manifests received from the generators.

(e) The permitted tire carrier shall maintain financial assurance in a format provided by the Division. The required financial assurance is as follows:

1. \$10,000.00 for carriers transporting up to 5,000 scrap tires per month.
2. \$20,000.00 for carriers transporting more than 5,000 scrap tires per month.

(f) The permitted tire carrier shall submit a quarterly report to the Division on forms provided by the Division. Reports shall be postmarked or hand-delivered by the 30th day of April, July, October and January of each year and cover the reporting period for the preceding calendar quarter. The carrier shall retain copies of the quarterly reports, tire manifests, invoices and weight tickets for three years at their place of business or other location approved by the Division. The carrier shall make these records available for review upon request by the Division.

(g) The permitted tire carrier shall display a decal issued by the Division on each vehicle used to collect or transport tires. The carrier shall pay to the Division a nominal fee for each decal issued. A decal shall not be required for a carrier that collects tires exclusively from outside this state and transports them directly to a scrap tire processor or end user within this state.

1. After July 31, 2015 the fee for will be \$1.00 per year per decal.

(h) It shall be the responsibility of the permitted tire carrier to return tire manifests, with the three required original signatures, to the scrap tire generator no later than 30 days from the date on which the carrier collected the scrap tires from the generator. Permitted tire carriers shall retain copies of the tire manifests at their business, or other location approved by the Division, for a period of three years and shall make them available for review upon request by the Division.

(i) The following persons shall not be required to have a tire carrier permit:

- (1) A municipal solid waste collector holding a valid solid waste collection permit under authority of this part whose primary business is the collection of municipal solid waste;
- (2) A private individual transporting no more than 10 of the individual's own scrap tires or a private individual transporting more than 10 tires if such individual can provide proof of purchase with receipt for such tires;
- (3) A company transporting the company's own scrap tires to another location owned by the same company or to a scrap tire processor or end user or for proper disposal;
- (4) A tire retailer transporting its own used tires, if such dealer can provide proof of purchase with receipt for all used tires being transported and a document verifying the origin, route and destination of such used tires;
- (5) Any person transporting tires collected as part of an organized site cleanup activity; and
- (6) The United States, the State of Georgia, any county, municipality, or public authority.
- (7) Persons transporting only retreadable casings.

(6) Scrap Tire Storage.

(a) No person may store more than 25 scrap tires anywhere in this state.

(b) Paragraph (6)(a) of this Rule shall not apply to:

1. A solid waste disposal site permitted by the Division, if the permit authorizes the storage of scrap tires prior to their disposal;

2. A tire retailer or a publicly owned vehicle maintenance facility with not more than 1,500 scrap tires in storage;

3. A tire retreader with not more than 3,000 scrap tires in storage, so long as the scrap tires are of the type the retreader is actively retreading;

4. A licensed used motor vehicle parts dealer registered with the Secretary of State's office, a registered secondary metals recycler or a privately owned vehicle maintenance facility that operates solely for the purpose of servicing a commercial vehicle fleet with not more than 500 scrap tires in storage; and

5. A scrap tire processor ~~permitted~~ approved by the Division, so long as the number of scrap tires in storage does not exceed the quantity approved by the Division and if all of the scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access. ~~provided, however, that the Division may grant a waiver of the enclosure requirement if the person requesting the waiver can definitively show significant and unique economic hardship which impairs such person's ability to continue operating his or her business.~~

6. A farm with 100 or fewer scrap tires in storage or in use for agriculture purposes. In addition, the Division may grant waivers to allow the storage or use of more than 100 scrap tires for agricultural purposes, if such storage or use does not pose a threat to human health or the environment.

(c) Any person storing scrap tires is subject to the following requirements:

- (i) All scrap tires shall be stored in a manner that prevents the breeding and harborage of mosquitoes, rodents and other vectors;
- (ii) Activities involving open flames shall not be allowed within 25 feet of a scrap tire storage area, with the exception of maintenance activities involving torches and welding equipment, as long as a fireproof barrier is used;
- (iii) Scrap tire storage areas shall not be located within 25 feet of a property line;
- (iv) Scrap tire storage areas shall not be located within 50 feet of waters of the State (streams, intermittent streams, natural or unlined ponds, other waters of the state, or storm drains leading to waters of the state), unless other protective run-off measures are approved by the Division; and



- (v) All persons engaged in the collection, storage or processing of scrap tires, retreadable or used tires shall control the presence of vectors or other nuisance pests associated with storage of the tires. Such pests may include, but are not limited to, mosquitoes, rats, mice, snakes and other animals living in or adjacent to the tire storage. The owner or operator of the facility shall keep records of all vector and pest control measures taken at the facility for a period of three years and make available to the Division for review upon request. Permitted or approved facilities shall maintain records that include, but are not limited to:
  - (I) Type of control method used;
  - (II) If chemical control – the name of the chemical(s);
  - (III) Dates and amounts of chemical(s) used; and
  - (IV) Chemical storage location.

(7) Criteria for Scrap Tire Processors, Sorters and Disposal Facilities.

(a) Processing operations shall include, but not be limited to, shredding, chopping, chipping, baling, splitting, sorting, pyrolysis, microwave and cryogenic operations. Scrap tire processing facilities shall meet the following requirements:

1. All scrap tire processors located in this state shall submit an application and obtain a permit issued from the Division/Director prior to accepting delivery of scrap tires. No person may process scrap tires without a permit issued from the Division/Director.
2. All scrap tire processors shall have and follow an operations plan approved by the Division. The facility owner(s) or authorized representatives may submit a written request to modify an approved operations plan. Any proposed modification to the facility and/or operations shall not be implemented until approved by the Division.
3. The operations plan shall include, zoning approval, proof of fire inspection, operational narrative, site plan and operation drawing, and be reviewed by a professional engineer.
4. Processors must show that they have the necessary operable equipment in place to process scrap tires prior to receiving scrap tires for processing.
5. Storage Requirements

In addition to the scrap tire storage requirements in section (6)(d) of these Rules, the following requirements apply:

- (i.) Storage limits are based on the processing equipment capability, proof of market, recycling rate and available storage space; and
- (ii.) Storage of scrap tires shall not exceed a 30 day operating supply;
- ~~(iii.) Scrap tires, processed tires and residuals shall be stored a minimum of 50 feet from property boundaries, streams, intermittent streams, natural or unlined ponds, other waters of the state, or storm drains leading to waters of the state, unless other protective run-off measures are approved by the Division. An exception to this Rule may be made subsequent to a written modification request from the processor, if the site~~

~~modification is approved by the Division or the location condition has changed where modification allows such exception upon approval by the Division.~~

(iv.) Requirements for Storage in Buildings

1. Scrap tires stored indoors will be managed in accordance with "The Standard for Storage of Rubber Tires," NFPA 231D, 1998 edition, published by the National Fire Protection Association or recommendation of local fire authority.

(v.) Requirements for Storage in Trailers

Any processor with ~~scrap~~ tires, product or residuals ~~or processed tires~~ stored in enclosed trailers shall be subject to the following requirements:

1. Trailer storage areas must be clearly depicted on a site plan; and
2. Storage area shall be no greater than 10,000 square feet per storage area.
3. A minimum of two feet must be maintained between stored trailers (side-to-side and end-to-end). No more than two rows of trailers per storage area may be stored at any facility. Such storage must be end-to-end and the trailer must be stored in a manner that allows direct removal of the trailer if needed. Empty trailers stored in the area designated for scrap tire storage are subject to the same separation requirements.
4. A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire storage area. The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material.

(vi) Requirements for Tires, Processed Tires, Product, and Residuals Stored on the Ground  
~~Residual and Product Storage~~

1. A tire, processed tire, product, or residual pile ~~processed tire pile~~ shall have no greater than the following maximum dimensions:
  - (I) Area: 10,000 square feet; and
  - (II) Height: 15 feet.
2. A 50-foot wide fire lane shall be placed around the perimeter of each pile with the exception of noncombustible materials (rims, wires, etc). ~~stockpile of scrap tires or processed tires.~~ The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material.
3. Storage of whole tires, processed tires and residuals near buildings is prohibited unless:
  - (I) A non-combustible/non-flammable barrier (firewall) is constructed in accordance with applicable state or local firewall requirements and a 25-foot fire lane, unless otherwise set by the local fire authority, is maintained between the firewall and the building;
  - (II) The whole tires, processed tires, products, and residuals shall not exceed the height of the firewall; and
  - ~~(III) The storage area shall not exceed the dimensions in.~~

6. General Operating Standards

Processors shall meet the following operational requirements:

1. Access to the processing facility and fire lane(s) for emergency vehicles shall be unobstructed at all times, with the exception of routine loading or unloading operations, provided the vehicles are attended by their drivers during that time.

2. In the event of fire, the owner or operator shall immediately take all necessary steps to control and extinguish the fire and control any resulting runoff (i.e., water, oil or other fluid residue).
3. The run-off resulting from fires or fire suppression actions shall be prevented by berms or other detention structures approved by the Division from entering drains and waters of the State. Material(s) used in berm construction must be non-combustible, non-flammable and prevent run-off.
4. The facility owner or operator shall provide documentation that the local fire authority conducted a fire safety survey. The facility owner or operator shall arrange for an additional fire safety survey as part of any modification request that would increase the amount of scrap tires in storage.
5. Operations involving the use of open flames shall not be conducted within 25 feet of a scrap tire stockpile, processed tire stockpile or processing equipment. An exception is allowed for maintenance activity using torches or welding equipment, as long as fireproof curtains or other fireproof barrier shields the ignition source from storage or equipment areas.
6. Access to the facility shall be controlled using fences, gates or other means of security.
7. An attendant shall be present when the scrap tire processing facility is open for business if the facility receives tires from persons other than the operator of the facility.
8. Any residuals from scrap tire processing shall be managed so as to be contained on-site and shall be controlled and disposed of in a permitted solid waste handling facility or be properly recycled.
9. A scrap tire processing facility shall not accept any scrap tires for processing if it has reached its approved or permitted staging limit. At least 75 percent of both the scrap and processed tires that are accumulated by the scrap tire processing facility each calendar quarter, and 75 percent by weight or volume of all scrap tires previously received and not recycled, reused or properly disposed during the preceding calendar quarter shall be processed and removed from the facility for disposal or recycling from the facility during the quarter or disposed of in a ~~permitted~~ solid waste handling facility approved to accept scrap tires.
10. Communication equipment shall be maintained at the scrap tire processing facility to ensure that the facility attendant or operator can contact local emergency response authorities in the event of a fire. The facility will notify the Division within 24 hours in the event of a fire requiring response by the local fire jurisdiction. ~~All fires at the facility requiring response by the local fire jurisdiction shall be reported to the Division within \_\_\_\_ hours.~~
11. The emergency/contingency portion of the operations plan shall include, but not be limited to:
  - (I) A list of names and numbers of persons to be contacted in the event of a fire, flood or other emergency;
  - (II) A list of the emergency response equipment at the facility, its location and how it should be used in the event of a fire or other emergency; and

(III) A description of the procedures that should be followed in the event of a fire, including procedures to contain and dispose of the oily material generated by the combustion of large numbers of tires.

#### 7. Recordkeeping and Reporting

1. The owner or operator of a scrap tire processing facility shall retain required records for three years and make such records available for inspection by the Division. Required records include, but are not limited to:

- (i) Copies of the tire manifests for all tires received;
- (ii) If more than five scrap tires were delivered by a person who is not a permitted tire carrier or generator, the number or weight of tires delivered, the date and the person's name, address, telephone number and signature;
- (iii) Properly dated, numbered and signed weight tickets, from certified scales at the facility or from a certified public or private scale, for scrap tires or processed tire materials received at or leaving the facility;
- (iv) For all scrap tires shipped for reuse or retreading, the quantity and type (passenger car, truck tires, off the road, or others) shipped and the name and location of the person receiving the tires; and

(v) For all processed tires and residuals, invoices and shipping tickets identifying the date, weight, name, address and phone number of the point of final disposition.

2. Owners and operators of scrap tire processing facilities shall submit a quarterly report to the Division. The quarterly report shall be postmarked by the 30th day of the month following the end of the preceding calendar quarter. The report shall include, but not be limited to, the following:

- (i) The facility name, address and permit number;
- (ii) The calendar quarter and year covered by the report;
- (iii) The total weight of scrap or processed tires received at the facility during the period covered by the report;
- (iv) The total weight of scrap tires, processed tires, residuals and used tires shipped from the facility during the period covered by the report; and
- (v) The amount of scrap, processed tires or residuals remaining on site.

#### 8. Closure of Scrap Tire Processing Facilities.

1. The owner or operator shall provide procedures in the operations plan for closing the facility, including, but not limited to:

- (i) Notification to the Division of intent to close 30 days prior to the scheduled date for closing;
- (ii) Closure activities and schedule for completion;
- (iii) Control of access to the site; and
- (iv) Notification to the Division when all closure activities are completed.

(b) Sorters.

1. For the purposes of this Rule, persons engaged in sorting mixed tires into separate groups (i.e., used tires, retreadable casings and scrap tires) are considered to be processors and must meet the applicable requirements of paragraph (7a) of this Rule. However, in lieu of the 75 percent recycled, used or reused provision, the person sorting mixed tires shall:

- (i) Hold no more than 3,000 mixed tires prior to sorting; and
- (ii) Hold no more than 3,000 scrap tires for consolidated transport to their point of final disposition.

2. Scrap tire sorters shall ensure that scrap tires are transported by either the sorter or a tire carrier with a valid permit to a point of final disposition approved by the Division.

3. Comply with all other provisions applicable to scrap tire generators and processors.

(c) Disposal Facilities.

1. All solid waste disposal facilities (i.e., landfills and thermal treatment technology facilities) having a valid Solid Waste Handling Permit issued by the Director are approved to receive scrap tires, except as provided in O.C.G.A. § 12-8-40-.1(b).

(8) Recycling and Beneficial Reuse ~~Reuse and~~ of Scrap Tires.

1. For purposes of this Rule, the following criteria will be used to determine if scrap tires are being ~~reused~~ or recycled:

(a) The scrap tires or processed scrap tires must have a known use, reuse or recycling potential; must be feasibly used, reused or recycled; and must have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not requiring subsequent separation and processing.

(b) Scrap tires or processed scrap tires are not accumulated speculatively if the person accumulating them can show there is a known use, reuse or recycling potential for them; that

they can be feasibly sold, used, reused or recycled; and during the preceding 90 days, the amount of scrap or processed scrap tires recycled, sold, used or reused equals at least 75 percent by weight or volume of the tires received during the 90-day period.

(c) Proof of recycling, sale, use or reuse shall be provided in the form of bills of sale or other records showing adequate proof of movement of the scrap tires in question to a recognized recycling facility, or for proper use or reuse from the accumulation point. Prior to receiving scrap tires for processing, proof shall be provided that there is a known market or disposition for the scrap tires or processed scrap tires and that they have the necessary processing equipment.

(d) A scrap tire is considered "sold" if the generator of the scrap tire or the person who processed the scrap tire received consideration or compensation for the material because of its inherent value.

(e) A scrap tire is considered "used, reused or recycled" if it is either:

1. Employed as an ingredient (including use as an intermediate) in a process to make a product (e.g., using crumb rubber to make rubber asphalt); or
2. Employed in a particular function or application as an effective substitute for a commercial product (e.g., using shredded tires as a substitute for fuel oil, natural gas, coal or wood in a boiler or industrial furnace), as long as such substitution does not pose a threat to human health or the environment and so long as the facility is not a solid waste thermal treatment technology facility or using shredded tires as a soil amendment, aggregate, etc., or
3. Reused for its original intended purpose as a used tire, or reused for other purposes approved by the Division, such as playground equipment, offshore reefs, erosion control, etc.

2. Persons proposing to use more than 25 scrap tires in a beneficial reuse project shall submit a proposal and be approved by the Division.

(9) Used Tires (language to be submitted by stakeholders)

- (a) Storage requirements as applicable to scrap tires;
- (b) Transportation requirements as applicable to tire carriers; and
- (c) Appropriate vector control mechanism as specified in this rule.

(10) Scrap Tire Transfer Stations

(a) Any person storing scrap tires prior to their transportation to a point of disposition shall have a scrap tire transfer station permit issued by the Division.

- (b) If permitted as a solid waste handling facility, the facility shall submit a minor modification to their permit and indicate the location and storage capacity on the design and operation (D&O) plan.
- (c) The scrap tire transfer station shall not store more than 3,000 tires and must comply with storage requirements as specified in section 6(c). All tires shall be kept in enclosed vehicles or trailers. No scrap tires may be stored on the ground.
- (d) A tire manifest documenting the transfer activity is not required;
- (e) Sorting is not allowed unless the transfer station is approved as a scrap tire sorting facility;

Authority O.C.G.A. § 12-8-20 *et seq.*, 12-8-23. **History.** Original Rule entitled “Enforcement” was F. Jun. 9, 1989; eff. Jun. 29, 1989. **Amended:** F. Sept. 4, 1991; eff. Sept. 24, 1991. **Repealed:** New Rule entitled “Scrap Tire Management” adopted. F. Dec. 17, 1992; eff. Jan. 6, 1993. **Amended:** F. Jun. 7, 1993; eff. Jun. 27, 1993. **Amended:** O.C.G.A § 12-8-40.1 *et seq.* eff. April 30, 2013.