



Jeffrey W. Cown, Director

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November 14, 2023

MEMORANDUM

To: Jeffrey W. Cown, Director
Environmental Protection Division

From: Chuck Mueller, Chief
Land Protection Branch

Subject: Comments Received During the Public Comment Period
Regarding Proposed Amendments to the Rules for Solid Waste Management,
Scrap and Used Tire Management, Chapter 391-3-4-.19

On August 23, 2023, the Georgia Environmental Protection Division (EPD) issued a public notice requesting comments on the proposed revisions to the Georgia Rules for Solid Waste Management, Chapter 391-3-4. The proposed changes include Rule 391-3-4.19, "Scrap and Used Tire Management".

A public hearing was held at 1:00 pm on September 13, 2023, via the free online web-conferencing platform Zoom. One comment of support was received during the public hearing held on September 13, 2023. Two written comments and one question were received during the public comment period held between August 23, 2023, and September 23, 2023. No changes to the proposed rules are recommended.

Responses to Comments Received on the Proposed Amendments to the Rules for Solid Waste Management, Scrap and Used Tire Management, Chapter 391-3-4-.19

Below we have responded to 3 comments and 1 question submitted by 2 commenters who represent regulated entities and tire industry associations. The comments are summarized and followed by EPD's responses below. No changes to the proposed rules are recommended.

I. Comments Received from American Tire Distributors (ATD)

1. **Comment:** American Tire Distributors supports EPD's inclusion of the "Distributor" definition and believes it adds needed clarity to the scrap tire regulations.

EPD Response: EPD appreciates the support of the proposed rule language.

2. **Comment:** American Tire Distributors strongly supports EPD's proposal to allow Distributors to store up to 1,500 scrap tires at their facilities.

EPD Response: EPD appreciates the support of the proposed rule language.

3. **Comment:** The existing scrap tires rules include provisions that hinder a Distributor's ability to store scrap tires that it transports back to its own facility pursuant to a Tire Carrier permit, even though the Proposed Amendments would allow such storage. The first provision limits where Tire Carriers may transport scrap tires, and the second provision prohibits Tire Carriers from storing scrap tires. To address this inconsistency, ATD respectfully requests EPD to clarify that the prohibition against Tire Carriers storing scrap tires does not apply to Tire Carriers which are otherwise allowed to store scrap tires pursuant to Ga. Comp. R. & Regs. 391-3-4-.19(6)(b).

EPD Response: The purpose of this iteration of proposed amendments seeks to establish consistency with the recent changes to O.C.G.A. § 12-8-40 that was amended as a result of the adoption of SB95 that shifted the Tire Management Fee point of collection from retail dealers to distributors, with an effective date of July 1, 2023. This comment is beyond the scope of the current rulemaking process. This comment will be considered by EPD for future rule amendment proposals.

II. Question Received on Behalf of the Georgia Automobile Dealers Association (GADA):

4. **Question Summary:** GADA posed a clarification question regarding car dealerships that sell tires to ultimate customers and possibly other retailers.

EPD Response: EPD posted the question and a response on its Tire Fee Collection FAQ page: <https://epd.georgia.gov/tire-fee-collection-faqs>

Q: If a distributor sells to a car dealership that sells replacement tires in their shop to customers and to tire retailers, who collects the fee?

A: The first time a tire is sold in Georgia to a tire retailer or to customer using those tires, the entity making that sale is the distributor and, thus, responsible for collecting the fee. In this example, the distributor (making the first sale to the dealership) is responsible for collecting the fee.