

**Synopsis of
Proposed Amendments to the Rules of the
Department of Natural Resources
Environmental Protection Division
Relating to Chapter 391-3-4, Solid Waste Management**

Rule 391-3-4-.19, “Scrap Tire Management. Amended.” is being amended to revise the Rule title to read “Scrap and Used Tire Management.” and to clarify generator, sorter, carrier and processor requirements, amend language to conform to statutory changes, update requirements to reflect changes in the industry and add sections for used tire management and scrap tire transfer stations.

Rule 391-3-4-.19 (1)(a), “Applicability. Amended.” is being amended.

Purpose: To amend subparagraph to establish guidelines for the handling of scrap and used tires.

Main Features: Clarifies language to include regulation of scrap tires from the point of generation to the point of final disposition. Also adds language to comply with statutory changes regarding the collection, inventory and marketing of used tires.

Rule 391-3-4-.19 (2), “Definitions.” is being amended.

Purpose: To add 11 new definitions associated with tire management, amend 11 definitions and delete two definitions.

Main Features: Adds 11 new state definitions: beneficial reuse, enclosure, manufacturer, organized site cleanup activity, point of final disposition, residuals, tire, tire carrier, tire manifest, tire retailer, and used tire dealer. Amends 11 definitions: end user, financial assurance, mixed tires, retreadable casing, retail tire dealer, scrap tire generator, scrap tire processing, scrap tire processor, scrap tire sorter, ultimate consumer, and used tire. Deletes manifest and scrap tire carrier from the definitions.

Rule 391-3-4-.19 (3), “Retail Tire Dealers.” is being amended.

Purpose: To amend title from “Retail Tire Dealers” to “Retail Dealers” and clarify reporting and fee requirements.

Main Features: Amends title “Retail Tire Dealers” to “Retail Dealers.” In subparagraphs (3)(a)3.(iii)(b), clarifies fee submittal and quarterly reporting requirements for new replacement tires sold.

Rule 391-3-4-.19 (4), “Scrap Tire Generators.” is being amended.

Purpose: To clarify reporting and manifest requirements for scrap tire generators.

Main Features: Clarifies which persons require a generator identification number. In subparagraph (4)(c), amends manifest requirements from point of generation to point of final disposition. Subparagraph (4)(f) clarifies requirements for retaining copies of the manifest.

Rule 391-3-4-.19 (5), “Scrap Tire Carriers.” is being amended.

Purpose: To clarify exemptions for persons collecting and transporting scrap or used tires. Also includes decal requirements for tire carriers, reporting requirements and amendments to financial assurance requirement.

Main Features: Amends language to include statutory changes; specifically, establishes nominal fee for decals, requires tire carrier permit for scrap and used tires, requires decals to be displayed on each tire carrier vehicle and amends financial assurance requirements for tire carriers. Subparagraph (5)(f) explains the applicable reporting requirements for tire carriers. Exemptions are listed in subparagraph (5)(i).

Rule 391-3-4-.19 (6), “Scrap Tire Storage.” is being amended.

Purpose: To clarify and amend storage requirements for scrap tires.

Main Features: Amends scrap tire storage limits to conform to changes in O.C.G.A. § 12-8-40.1. Exemptions are listed in subparagraph (6)(b). Subparagraph (6)(c) lists the requirements for any person storing scrap tires.

Rule 391-3-4-.19 (7), “Criteria for Approved Processing, Sorting, and Disposal Facilities.” is being amended.

Purpose: To revise the title to read, “Criteria for Scrap Tire Processors, Sorters, and Disposal Facilities.” Clarifies operational and reporting requirements for regulated facilities.

Main Features: Clarifies operational, financial assurance, recordkeeping, reporting and storage requirements for processing, sorting and disposal operations. Adds requirement for design and operation plan prepared by a professional engineer licensed in Georgia.

Rule 391-3-4-.19 (8), “Reuse and Recycling of Scrap Tires.” is being amended.

Purpose: To clarify and add amendments for the recycling and beneficial reuse of scrap tires.

Main Features: Clarifies processing, storage and reporting requirements for scrap tires used in beneficial reuse projects.

Rule 391-3-4-.19 (9), “Used Tires.” is being added.

Purpose: To expand the tire management Rule to include used tires.

Main Features: Adds storage, transportation and vector control requirements for used tire dealers.

STATEMENT OF RATIONALE
Proposed Amendments to the Rules for Solid Waste Management

BACKGROUND:

More than 195 tire piles, containing more than 200,000 tires have been identified throughout Georgia. The environmental and public health risks associated with these illegal piles include the increased possibility of tire fires and the spread of diseases caused by vectors (e.g., mosquitoes). During the 2013 session of the Georgia General Assembly, the legislature passed House Bill 226, which included changes related to tire carrier responsibilities and tire storage requirements. These changes went into effect April 30, 2013. The proposed changes to the Rule reflect the legislative changes, clarify sections of the Rule that were vague or confusing and update sections to reflect changes in the industry.

EXTERNAL REVIEW PROCESS:

On July 10, 2014, EPD invited stakeholders representing non-profits, end users, tire industry, local governments, private sector, generators, tire carriers, retreaders and trade associations to provide input on the proposed amendments to Rule 391-3-4-.19. The stakeholders identified sections that needed clarification and proposed language to address issues associated with the proper management of scrap tires and prevention of illegally dumped tires. Following the meeting, EPD reviewed the comments and posted a draft strawman of the Rule on its website on September 8, 2014 to solicit feedback. EPD subsequently issued a public notice of the proposed rulemaking and held a hearing on May 12, 2015. Based on comments received, EPD revised the amendments to clarify several definitions and requirements.

PROPOSED AMENDMENTS:

The proposed revisions to the Rule update and add definitions, clarify permitting requirements, amend language to reflect the statutory changes, update requirements to reflect changes in the industry, and add a section for used tire management.

IMPACT:

There are more than 7,400 scrap tire generators, more than 200 permitted tire carriers and 10 scrap tire processors in Georgia. The proposed amendments to the Rule, which conform to the new statutory changes, will increase the permitting cost for tire carriers. Tire carriers would be required to purchase and display two decals on each vehicle. The proposed amendments require an operational plan for processors to be prepared by a professional engineer licensed to practice in Georgia. While this will be an added cost to processors to obtain a permit, scrap tire processors permitted under the proposed Rule will only have to secure a \$20,000 bond, as opposed to the \$25,000 bond in the existing Rule. Used tire dealers are not regulated under the existing Rule. Under the proposed amendments to the Rule, used tire dealers will have to comply with proposed storage and carrier requirements. This will require additional administrative responsibilities for these businesses, as well as the cost of obtaining a \$10,000 bond and purchasing decals for their vehicles.