

RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
CHAPTER 391-3-4
SOLID WASTE MANAGEMENT

**PROPOSED AMENDMENTS TO THE RULES
OF THE DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION
RELATING TO SOLID WASTE MANAGEMENT, CHAPTER 391-3-4**

The Rules of the Department of Natural Resources, Chapter 391-3-4, Solid Waste 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. ~~Lined through~~ text is proposed to be deleted.]

391-3-4-.19 Scrap and Used Tire Management. ~~Amended.~~

(1) Applicability.

(a) Scrap tire handling shall be regulated from the point of generation through ~~disposal~~ the point of final disposition. 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~~ 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~~ 391-3-4-.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:

(a) "Beneficial reuse" means the use of scrap tires for purposes other than its original intended use and that have been approved by the Division prior to reuse.

(b) "Enclosure" means structure with four sides and roof or an area surrounded by a wall or fence with the purpose of controlling or limiting access.

~~(a)~~(c) "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 ~~utilizes~~ the heat content or other forms of energy from the incineration, combustion or pyrolysis of waste tires, chips or similar materials.

~~(b)~~(d) "Financial Assurance" means a mechanism designed to demonstrate that funds will be available to ensure compliance with statutory, ~~regulatory~~ and permit requirements of ~~scrap~~ tire carriers and processors.

The financial mechanisms must be either performance a surety bonds or an irrevocable letters of credit.

~~(c)~~ "Manifest" means a form or document used for identifying the quantity and composition and the 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 approved by the Division.

(e) "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.

~~(d)~~(f) "Mixed Tires" means a heterogeneous group of tires that may consist consisting of "used tires," "retreadable casings," and "scrap tires."

(g) "Organized Site Cleanup Activity" means scrap tire abatement activities conducted by a government entity, non-profit, or other organization.

(h) "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 and end users.

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

~~(e)~~(j) "Retreadable Casing" means a tire which has the quality and soundness of the tire structure to accept a retread or repair and provide additional service and is destined for retreading scrap tire suitable for retreading. This includes casings that have value as a potential retreaded tire. This does not include casings with tread separation, unrepaired cuts, corroded belts, sidewall damage, run-flat or skidded.

~~(f)~~(k) "Retail Tire Dealer" means a person actively engaged in the business of selling new replacement tires. Retail tire dealers may also be, but are not limited to, manufacturers, wholesalers, and others who sell new replacement tires to the ultimate consumer.

~~(g)~~(l) "Scrap Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

~~(h)~~ "Scrap Tire Carrier" means any person engaged in picking up or transporting scrap tires not otherwise exempted in this Rule for the purpose of removal to a scrap tire processor, end user, or disposal facility.

~~(i)~~(m) "Scrap Tire Generator" means any person who generates scrap tires including, but not limited to, tire retailers; ~~Generators may include, but are not limited to, retail tire dealers;~~ retreaders; ~~scrap tire processors;~~ scrap tire sorters; ~~automobile dealers;~~ private company vehicle maintenance shops; ~~used tire dealers;~~ garages, and service stations; and city, county, and state governments.

~~(j)~~(n) "Scrap Tire Processing" means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires for beneficial use, 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.

~~(k)~~(o) "Scrap Tire Processor" means any person who is approved by the Division to receive tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing approved through a permit issued by the Division to receive and process scrap tires, but shall not include a registered secondary metals recycler operating a scrap metal shredder for the purpose of shredding metallic scrap, including scrap automobiles containing five or fewer scrap tires per automobile into specification grades of scrap metal.

~~(l)~~(p) "Scrap Tire Sorter" means any person, other than the original a registered scrap tire generator or a scrap tire processor, who handles mixed tires by separating used tires and retreadable casings from scrap tires and who is approved through a permit by the Division.

(q) "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.

(r) "Tire Carrier" means any person engaged in collecting or transporting tires, other than new tires. For the purpose of this Rule, tire carrier does not include a transporter of scrap or crushed vehicles.

(s) "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 to a point of final disposition.

(t) "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.

~~(m)~~(u) "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.

~~(n)~~(v) "Ultimate Consumer" means the last person who receives and uses a new replacement tire. ~~Ultimate consumers may be, but are not limited to:~~

- ~~1. an individual consumer;~~
- ~~2. a leasing company purchasing tires from retail dealers for their vehicle fleet;~~
- ~~3. a private company purchasing tires from retail dealers for their vehicle fleet; or~~
- ~~4. a governmental agency purchasing tires from retail dealers for their vehicle fleet.~~

~~(e)~~(w) "Used Tire" means a tire which has a minimum of 2/32" inch of road tread and which is still suitable for its original purpose but is no longer new. ~~It must be inventoried and marketed in substantially the same fashion as a new tire, the dealer must be able to provide satisfactory evidence to the Division that a market exists, and that the used tires are, in fact, being marketed. A tire retailer shall inventory and market used tires in substantially the same fashion as a new tire and be able to provide satisfactory evidence to the division that a market for the~~

tire exists and that the tire is in fact being marketed as a used tire. A used tire shall not be considered solid waste.

(x) "Used Tire Dealer" means a tire retailer selling used tires as defined in this Rule.

(3) Retail Tire Dealers.

(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 retail dealers 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) Ttires with a rim size less than 12" (inches);

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

(iii) Ttires used exclusively for agricultural purposes, except farm truck tires.

~~(b) Retail dealers must keep accurate records and report to the Division quarterly on the number of new replacement tires sold. shall remit fees and a quarterly tire fee report documenting the number of new replacement tires sold to the Division. The retail dealers shall use forms provided by the Division. The fee and report shall be remitted by the 30th day of April, July, October, and January of each year, covering the period for the preceding quarter.~~

~~(c) The fees and reports on sale shall be remitted to the Division on a quarterly basis on forms as prescribed by the Director. The first remittance shall be due on October 30, 1992, and shall cover the period July 1, 1992, through September 30, 1992. Subsequent reports and fees shall be filed by the 30th day of April, July, October, and January of each year, covering the period for the preceding quarter.~~

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

1. A 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 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) After July 1, 1992, Any person who generates scrap tires in this state shall have a sScrap tTire gGenerator identification number (ID number #) issued by the Division. The ID number shall be used on scrap tire shipment manifests. A sSeparate ID numbers shall be required for generators having multiple generation locations 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 of final disposition in Georgia; and

2. A licensed used motor vehicle parts dealer or registered secondary metals recycler, who does not generate scrap tires for disposal or recycling.

3. 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;

4. A private individual transporting no more than 10 of the individual's own or a private individual transporting more than 10 tires if such individual can provide proof of purchase with receipt for such tires;

5. Any person transporting tires collected as part of an organized site cleanup activity;

~~(b)(c) Scrap tire gGenerators shall initiate a tire manifest to track transport scrap tires during transportation from the point of generation to an approved point of final disposition, to an end user or to a scrap processing or disposal facility approved by the Division. The tire manifest shall include the following information:~~

1. Name, address, county, telephone number and scrap tire generator identification number; name and ID # of the generator;

2. An estimate of the number (accurate to within 10% of actual number) or weight total tons of scrap tires to be transported;

3. Signature of the generator certifying the estimate and the date the scrap tires were picked up; name and permit number of the scrap tire carrier;

4. Name, address, telephone number and permit number of the tire carrier; date of transport; and

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; destination of scrap tires.

6. Name, address, telephone number and permit number of the point of final disposition;

7. Signature of authorized representative at the point of final disposition certifying the weight (in tons or number of tires) and the date received from the tire carrier.

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

1. Passenger Tires: 2000 lb. (one ton) = 400-89 tires, @ (20 22.5 lb/tire);

2. Truck Tires: 2000 lb. (one ton) = ~~20~~ 17 tires, @ ~~(400~~ 120 lb/tire).

~~(d)~~(e) Unless otherwise approved in writing by the Division, Scrap tire generators shall ensure assure that any person collecting and transporting their scrap tires hold a valid Scrap Tire cCarrier pPermit 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. ~~provided, however, that a person who generates less than 100 tires per month and who transport only their own scrap tires to approved end users, processors, recyclers, or disposers are not required to have a Scrap Tire Carrier Permit, but must comply with all other provisions required of generators and scrap tire carriers.~~

~~(e)~~(f) ~~Generators shall maintain receipts (copies of the completed manifest for a period of three (3) years.~~ 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 manifest shall be kept on-site for a period of three years.

~~(f)~~(g) A scrap tire generator shall notify report to the Division in writing of any carrier who fails to return a properly completed tire manifest to the generator within 30 days from of scrap tire pickup, ~~as provided for in paragraph (5)(f) of this Rule.~~ Such notification report shall be filed within ~~30~~ 15 days of failure of the carrier to comply following any failure of the carrier to deliver the tire manifest with original signature to the generator.

~~(g)~~(h) Scrap tire gGenerators may designate choose to determine whether a tire, because of wear, damage, or defect, is ~~not suitable for classification as a "used tire", or "retreadable casing" as defined in these Rules.~~ However, if a generator fails to designate sort or delineate which tires are "used", or "retreadable casings", or "scrap tires", then all tires transported shall be considered scrap tires and must be ~~thusly~~ indicated on the shipment tire manifest.

(5) Scrap Tire Carriers.

(a) Unless otherwise exempted, ~~after July 1, 1992,~~ any person collecting or transporting scrap or used tires shall have a Scrap Tire cCarrier pPermit issued by the Division. A No permit shall not be issued unless the financial assurance, as provided for in ~~paragraph (5)(d) of this rule~~these Rules, has been submitted and approved by the Division.

(b) A separate pPermit and financial assurance instrument shall be required for each scrap tire cCarrier business location.

(c) A tire cCarrier shall transport scrap tires, ~~properly manifested,~~ only to a point of final disposition as defined in these Rules ~~an end user, recycler, processor, sorter, or disposer approved or permitted by the Division.~~

(d) Storage of scrap tires by tire carriers is prohibited.

~~(d)~~(e) The permitted tire cCarrier shall maintain financial assurance in a format the form of a Performance Bond or letter of credit, using forms provided by the Division. ~~according to the following criteria~~The required financial assurance is as follows:

1. ~~\$5,000.00~~ \$10,000.00 for carriers transporting up to ~~500~~ 5,000 scrap tires per month.
2. ~~\$10,000.00~~ \$20,000.00 for carriers transporting more than ~~500~~ 5,000 scrap tires per month.

~~(e)~~(f) The permitted tire cCarrier shall submit a report quarterly report to the Division on forms provided by the Division. the number of scrap tires transported and the manner of their disposition. The first reporting period shall be January 1, 1993 through March 30, 1993, and quarterly thereafter. Reports shall be filed by the 1st day of May, August, October, and February, covering the reporting period for the preceding quarter. 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 tire 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 tire carrier shall make these records available for review upon request by the Division.

~~(f)~~(g) The permitted tire carrier shall display a decal issued by the Division on both the driver's and passenger's doors on each vehicle used to collect or transport tires. A decal shall not be required for a tire 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. By August 1st of each year, tire carriers shall purchase decal(s) for each vehicle used to collect or transport tires.
2. The tire carrier shall pay the Division a nominal fee for each decal issued.
3. Decals are valid for a one-year period and shall expire on July 31st of each year.

~~(h)~~ It shall be the responsibility of the permitted tire cCarrier to return a completed copy of the tire manifest, with the three required original signatures, to the scrap tire generator, no later than 30 days from the date on which the carrier collected ~~took possession of~~ the scrap tires from the generator, which shall be indicated on the manifest.

~~(g)~~(i) The following persons shall not be required to have a ~~Scrap tTire cCarrier pPermit~~:

1. ~~Generators who transport scrap tires only between their own branch office locations;~~
2. ~~Persons carrying only used tires or retreadable casings;~~
3. 1. A tire retailer or tire retreader transporting its own used tires, to or from a customer's place of operation or between branch offices of the tire retailer or tire retreader; 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;
4. 2. 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;
5. 3. A private individual transporting no more than 10 of the individual's own scrap tires to a processor, permitted disposal facility, or other facility approved by the Division; or a private individual transporting more than 10 tires if such individual can provide proof of purchase with receipt for such tires;
6. ~~A company transporting the company's own tires to a processor or for proper disposal, which company is not in the tire handling business; for example, a soft drink bottler who transports~~

~~scrap tires generated by the bottler's own vehicle maintenance shop, or a company in the tire handling business who transports only their own scrap tires and which company generates less than 100 scrap tires per month.~~

~~(i) For the purpose of this paragraph, "tire handling business" means persons whose income is at least partially derived from the sale, processing transporting, or disposal of tires.~~

~~(ii) Persons who generate less than 100 scrap tires per month and are exempt from having a Carrier Permit under this section are still required to comply with other applicable provisions of this Rule, except that the generator shall not be required to report quarterly as provided in paragraph (5)(e) of this rule.~~

4. A company transporting the company's own tires to a scrap tire processor or end user or for proper disposal;

5. Any person transporting tires collected as part of an organized site cleanup activity;

6. The United States, the State of Georgia, any county, municipality, or public authority.

7. Other persons, as approved by the Division, on a one time or temporary basis, as needed to further the intent of O.C.G.A. 12-8-20, *et seq.*, that scrap tires be reused or recycled rather than disposed.

(6) Scrap Tire Storage.

(a) No person may store more than 400 25 scrap tires anywhere in this state. ~~Any persons storing in excess of 100 scrap tires shall be deemed to be in violation of the Act and these Rules.~~

(b) If scrap tires are secured in a locked enclosure or are otherwise adequately secured in a manner suitable to prevent unauthorized access, then paragraph (6)(a) of this Rule shall not apply to the following:

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 ~~3,000~~ 1,500 scrap tires in storage, ~~if such retailer submits the returns required under paragraph (3) of this Rule;~~

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; ~~and~~

4. An auto salvage yard with not more than 500 scrap tires in storage. 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 ~~approved~~ permitted by the ~~d~~ivision so long as the number of scrap tires in storage does not exceed the quantity approved by the ~~d~~ivision.

The Division may grant a waiver for the enclosure requirement if the person requesting the waiver can definitively show a significant and unique economic hardship which would impair the 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:

1. Unless otherwise specified in an approved plan by the Division, all scrap tires shall be stored in a manner (e.g. under roof, secured tarp, or the like to prevent water accumulation) that controls the breeding and harborage of mosquitoes, rodents and other vectors;

2. Activities involving open flames and other flammable materials (oil, gas, fuel) 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;

3. A 50-foot wide fire lane shall be placed around the perimeter of each scrap tire pile.

4. 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. Permitted or approved facilities shall maintain records for three years 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, Approved Processing, Sorting, Sorters~~ and Disposal Facilities.

(a) Processing ~~Operations~~: ~~processing~~ shall include, but is not limited to, shredding, chopping, chipping, ~~baling, splitting, and sorting, operations~~; and pyrolysis, microwave, and cryogenic operations. Provided financial assurance requirements of these rules have been met, permitted scrap tire processors in existence on the effective date of this Rule may continue to operate under their existing permit. Existing facilities requesting modifications after the effective date of this Rule must fully comply with this Rule. Scrap ~~t~~ire ~~p~~rocessing ~~f~~acilities shall must meet the following requirements; ~~to be approved by the Division~~:

1. Scrap tires staged indoors will be managed under conditions that meet those in "The Standard for Storage of Rubber Tires", NFPA 231D-1986 edition, published by the National Fire Protection Association, Battery March Park, Quincy, Massachusetts. All scrap tire processors

located in this state shall submit an application and obtain a permit issued by the Director prior to operation. No person may process scrap tires without a permit issued from the Director.

~~2. All scrap tire processing or disposal facilities which stage scrap tires or processed tires outdoors must comply with the following standards:~~

~~(i) An outdoor tire pile or processed tire pile will have no greater than the following maximum dimensions:~~

~~(I) Width: 50 feet;~~

~~(II) Area: 10,000 square feet; and~~

~~(III) Height: 15 feet.~~

~~(ii) A 50-foot wide fire lane will be placed around the perimeter of each scrap tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times. In the event of fire, the owner or operator shall, upon receipt of notification of a fire, immediately take all necessary steps to control and extinguish the fire, including all oil and other residue created by the fire.~~

~~(iii) The owner or operator will control mosquitoes and rodents so as to protect the public health and welfare.~~

2. A permitted scrap tire processor shall maintain financial assurance in a format provided by the Division in the amount of \$20,000 for each business location.

3. All scrap tire processors shall have and follow an operations plan approved by the Division. The facility owner(s) or authorized representatives shall 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. Processors staging scrap tires indoors or outdoors must meet the following standards:~~

~~(i) No operations involving the use of open flames will be conducted within 25 feet of a scrap tire pile.~~

~~(ii) An approach and access road to the scrap tire processing facility will be kept passable for any motor vehicle at all times.~~

~~(iii) Access to the facility will be controlled through the use of fences, gates, or other means.~~

~~(iv) An attendant will 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.~~

~~(v) The facility will be bermed or given other adequate protection to keep liquid runoff from a potential tire fire from entering waters of the state.~~

~~(vi) Fire protection services for the facility will be assured through notification to local fire protection authorities. A fire safety survey will be conducted.~~

~~(vii) Communication equipment will be maintained at the scrap tire processing facility to assure that the facility operator can contact local fire protection authorities in case of a fire.~~

~~(viii) The scrap tire processing facility will be kept free of long grass, underbrush and other potentially flammable vegetation at all times.~~

~~(ix) The operator of the facility will prepare and keep at the facility an emergency preparedness manual. The manual will be updated at least once annually or upon changes in operations at the site. The manual will contain the following elements:~~

~~(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.~~

4. The operations plan shall include, zoning approval, proof of fire inspection, operational narrative, site plan and drawing of the operation, and shall be designed by a professional engineer licensed to practice in Georgia.

5. Any residuals from scrap tire processing must be managed so as to be contained on-site and must be controlled and disposed of in a permitted solid waste handling facility or be properly recycled. Processors must show that they have the necessary operable equipment in place to process scrap tires prior to receiving scrap tires for processing.

~~5. A scrap tire processing facility may 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 must 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.~~

6. Storage Requirements.

In addition to the scrap tire storage requirements in section (6)(c) 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. Prior approval for increased storage limits must be approved by the Division if 30 day operating supply cannot be met;

(iii) Requirements for Storage in Buildings.

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.

(iv) Requirements for Storage in Trailers.

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

(I) Trailer storage areas must be clearly depicted on a site plan; and

(II) Storage area shall be no greater than 10,000 square feet per storage area.

(III) A minimum of two feet must be maintained between 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.

(IV) 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.

(v) Requirements for Tires, Processed Tires, Product, and Residuals Stored on the Ground

(I) A tire, processed tire, product, or residual pile shall have no greater than the following maximum dimensions:

I. Area: 10,000 square feet; and

II. Height: 15 feet

(II) A 50-foot wide fire lane shall be placed around the perimeter of each pile with the exception of noncombustible materials (rims, wires, etc). The fire lane shall be kept free of debris, vehicles, trailers, weeds, grass and other potentially combustible material. Existing processors may comply with the fire lane requirements documented on an approved plan until the plan is modified.

(III) Storage of whole tires, products, 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; and

II. The whole tires, processed tires, products, and residuals shall not exceed the height of the firewall.

~~6. The owner or operator of a scrap tire processing facility will record and maintain for three years records that will be available for inspection by the division during normal business hours and will include the following information regarding their activities:~~

~~(i) For all scrap tires received and processed tires shipped from the facility, the name and scrap tire carrier permit number of the scrap tire carrier who accepted the scrap or processed tires for transport and the quantity of scrap or processed tires shipped with that carrier; and the place where the scrap or processed tires were deposited;~~

~~(ii) For all scrap and processed tires received at the facility, the name and scrap tire carrier permit number of the carrier who delivered the scrap or processed tires to the facility, and the quantity or weight of scrap tires or processed tires received from that carrier, and, if more than five scrap tires were delivered by a person who is not a scrap tire carrier, the number of tires delivered and the person's name, address and telephone number; and~~

~~(iii) For all scrap tires removed for reuse or recapping, the quantity and type removed and the name and location of the user receiving the tires.~~

7. General Operation Standards.

Processors shall meet the following operational requirements:

(i) 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.

(ii) 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).

(iii) 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.

(iv) 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.

(v) 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.

(vi) Access to the facility shall be controlled using fences, gates or other means of security.

(vii) 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.

(viii) 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.

(ix) 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 solid waste handling facility approved to accept scrap tires.

(x) 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 a response by the local fire jurisdiction.

(xi) 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.

(xii) Facility shall have storm water control measures.

(xiii) Facility shall have erosion and sediment control measures.

~~7. Owners and operators of scrap tire processing facilities shall submit to the division a quarterly report that summarizes the information collected under paragraph 6. above by the 30th day of the following quarter. The report will be submitted to the division on such forms provided by the division. At a minimum, the following information will be included:~~

~~(i) The facility name, address and permit or ID number;~~

~~(ii) The quarter covered by the report;~~

~~(iii) The total quantity of scrap or processed tires received at the facility during the period covered by the report;~~

~~(iv) The total quantity of scrap tires, processed tires, tire residuals, and saleable used tires shipped from the facility during the period covered by the report;~~

~~(v) The net of scrap or processed tires remaining on site.~~

8. Recordkeeping and Reporting.

(i) 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 ten 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.

(ii) 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 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. Processors must show that they have the necessary operable equipment in place to process scrap tires prior to receiving scrap tires for processing.~~

9. Closure of Scrap Tire Processing Facilities.

(i) 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) Sorting Operations: Sorters.~~

1. Sorters in existence on the effective date of this Rule may continue to operate under their existing approval. New or existing facilities requesting modifications after the effective date of this Rule must be permitted by the Division. Persons engaged in sorting mixed tires into separate groups (used tires, retreadable casing tires, scrap tires) must meet the requirements of paragraph (7)(a) 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 final destination.~~

2. Persons engaged in sorting mixed tires shall further:

~~(i) Obtain a scrap Tire Generator Identification Number issued by the Division; and~~

~~(ii) Assure that the scrap tires are transported to a scrap tire end user, or recycler, processor, or disposal facility approved by the Division; and~~

~~(iii) Comply with all other provisions applicable to scrap tire generators and processors.~~

(c) Disposal Operations: All solid waste disposal facilities (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) Reuse and Recycling of Scrap Tires: For purposes of this Rule, the following criteria will be used to determine if scrap tires are being reused or recycled: Recycling and Beneficial Reuse of Scrap Tires.

(a) For the purposes of this Rule, the following criteria will be used to determine if scrap tires are being recycled:

~~(a) 1.~~ 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) 2.~~ 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 tires 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) 3.~~ 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. Proof must be provided that there is a known market or disposition for the scrap tires or processed scrap tires and must show that they have the necessary equipment to do so, prior to receiving scrap tires for processing.

~~(d) 4.~~ A scrap tire is "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) 5. A scrap tire is "used, reused, or recycled" if it is either:

1. (i) Employed as an ingredient (including use as an intermediate) in a process to make a product (~~for example e.g.,~~ utilizing crumb rubber to make rubber-asphalt); or
2. (ii) Employed in a particular function or application as an effective substitute for a commercial product (~~for example e.g., utilizing~~ 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 utilizing shredded tires as a soil amendment, aggregate, etc., or
3. (iii) 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.

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

(9) Used Tire Dealer.

(a) Any person who acts as a used tire dealer in this state shall have a used tire dealer identification (ID) number issued by the Division, which shall be used on tire manifests. A separate ID number shall be required for each business location, except mobile locations.

(b) Used tire dealers shall obtain a tire carrier permit for transportation of used tires other than their own.

(c) Used tire dealers transporting tires other than their own shall initiate a tire manifest to track used tires from the point of generation to another location. The following information shall be provided on the tire manifest:

1. Name, address, county, telephone number and used tire dealer ID number;

2. The number of used tires to be transported;

3. Signature of the generator and the date the used tires were picked up;

4. Name, address, telephone number and permit number of the tire carrier;

5. Signature of the tire carrier, the date of pickup from the generator and the date of delivery to final location;

6. Name, address, telephone number and permit number of business location receiving the used tires;

7. Signature of authorized representative at the business received from the tire carrier.

(d) Used tire dealers shall implement suitable measures to control vectors.

Authority O.C.G.A. § 12-8-20 et seq.

