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## Regulation 61-107.3 solid waste management: waste tires

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# Regulation 61-107.3

## Solid Waste Management: Waste Tires

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**Statutory Authority:**

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## **Part I. General Provisions.**

### **A. Applicability.**

1. The requirements of this regulation apply to waste tire haulers, collectors, processors and disposers, except as specifically exempted.
2. The requirements of this regulation do not apply to a person using waste tires for agricultural purposes provided the tires are maintained so as to prevent and control mosquitoes and other public health nuisances as determined by the Department.
3. The requirements of this regulation do not apply to a tire manufacturer as related to the disposal only of tires generated in the course of its scientific research and development activities, so long as the waste tires are buried on the facility's own land or that of its affiliates or subsidiaries and the disposal facility is in compliance with all applicable regulations.

### **B. Definitions.**

1. "Department" means the South Carolina Department of Health and Environmental Control.
2. "Local government" means a county, any municipality located wholly or partly within the county, and any other political subdivision located wholly or partly within the county when such political subdivision provides solid waste management services.
3. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
4. "Processed tire" means a waste tire that has been cut, shredded, burned, or otherwise altered so that it is no longer whole; or waste tires that have been baled or compacted. The term does not include tire products as described in the waste tire processing permit application and approved by the Department in the permit.
5. "Quantity" means either volume as measured by cubic yard, weight as measured in tons or pounds, or actual number of tires by type.
6. "Residual" means any liquid, sludge, metal, fabric, or by-product resulting from the processing or storage of tires. Residual does not include processed tires held for recycling or disposal.
7. "Solid waste management facility" means any solid waste disposal area, volume reduction plant, transfer station, or other facility, the purpose of which is the storage, collection, transportation, treatment, utilization, processing, recycling, or disposal, or any combination thereof, of solid waste. The term does not include a recovered materials processing facility or facilities which use or ship recovered materials, except that portion of the facility that is managing solid waste.
8. "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle, trailer, or motorcycle, as defined in S. C. Code Section 56-3-20(2), (4), and (13). It does not include an industrial press-on tire, with a metal or solid compound rim, which may be retooled.
9. "Tire derived product" means processed tire material that has been sold and removed from the processing facility.

10. “Tire disposal” means to deposit, dump, spill, or place any waste tire, processed tire, or residuals into or upon any land or water.

11. “Tire recycling” means any process by which waste tires, processed tires, or residuals are reused or returned to use in the form of products or raw materials.

12. “Waste tire” means a whole tire that is no longer suitable for its originally intended purpose because of wear, damage, or defect.

13. “Waste tires for agricultural purposes” means waste tires that are generated during the normal production of plants and livestock, and which are kept on-site for beneficial re-use.

14. “Waste tire collection facility” means a permitted facility or a facility exempted from the permit requirement, used for the temporary storage of waste tires.

15. “Waste tire generator” means any person whose action or process produces a waste tire, or whose action first causes a waste tire to become subject to regulation.

16. “Waste tire hauler” means a person engaged in the transportation of greater than fifteen (15) waste tires at one (1) time for the purpose of storage, processing, or disposal.

17. “Waste tire processing facility” means a site where equipment is used to recapture reusable by-products from waste tires or to cut, burn, or otherwise alter whole waste tires so that they are no longer whole. The term includes mobile waste tire processing equipment, waste tire pyrolysis units, and waste tire baling or compacting equipment.

18. “Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

### **C. Manifesting.**

1. Any person who transports more than fifteen (15) tires at a time, shall document the transport of the tires using a South Carolina Waste Tire Manifest, or other document approved by the Department.

2. The manifest shall be used to track and certify the movement of waste tires from the point of origination to a permitted waste tire collection facility, a permitted solid waste management facility, or a permitted, or approved, waste tire processing facility.

3. The waste tire hauler shall sign the manifest and secure the signatures of both the waste tire generator and a representative of the waste tire collection, processing, or disposal facility to which the tires are delivered.

4. The manifest shall document the following:

a. The quantity of waste tires or processed tires collected;

b. The name, address, and contact information of the waste tire generator of the waste tires or processed tires;

c. The name, address, and contact information for the location to which the waste tires or processed tires were delivered;

d. The number of tires that were sorted for reuse; and,

e. The quantity of waste tires or processed tires that were delivered to the collection, processing or disposal facility.

5. Within thirty (30) days of collecting waste tires from a location, a waste tire hauler shall provide a completed, final manifest to the waste tire generator, documenting delivery to a waste tire collection, processing or disposal facility.

6. A waste tire hauler shall record and maintain a copy of the completed manifest for three (3) years. Manifests shall be available for inspection by Department personnel during normal business hours.

7. A waste tire collection, processing, or disposal facility shall retain a copy of the completed manifest for three (3) years, and shall make manifests available for inspection by Department personnel during normal business hours.

8. Local governments and their agents that haul waste tires only from designated residential recycling/convenience centers to the local government consolidation point, are exempt from the manifest requirements of this Part.

#### **D. Penalties.**

1. The Department may impose civil penalties not to exceed ten thousand dollars (\$10,000), for each day of violation, for violations of the regulation.

2. A person who willfully violates this regulation is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars (\$10,000) for each day of violation, or imprisoned for not more than one (1) year, or both.

3. If the conviction is for a second or subsequent offense, the punishment must be a fine not to exceed twenty-five thousand dollars (\$25,000) for each day of violation, or imprisonment not to exceed two (2) years, or both.

**E. Violations.** Each day of noncompliance with an order issued pursuant to this section or noncompliance with a permit, regulation, standard, order, or requirement established under Section 44-96-170 of the South Carolina Solid Waste Policy and Management Act constitutes a separate violation.

**F. Variances.** Any request for a change to the adherence to a provision or provisions of this regulation, or to a permit issued pursuant to or in accordance with this regulation, shall be made in writing to the Department. The Department shall provide a written response to such a request. Variances will be granted at the discretion of the Department.

## **Part II. Waste Tire Hauler Requirements.**

### **A. Applicability and Conditions.**

1. The requirements of this section apply to haulers of waste tires and processed tires who haul more than fifteen (15) waste tires or passenger tire equivalents at any one (1) time.

2. Persons who use company-owned or company-leased vehicles to transport tire casings for the purposes of retreading between company-owned or company-franchised retail tire outlets and retread facilities owned or franchised by the same company are not considered waste tire haulers unless they also transport waste tires.

3. Local governments, that haul waste tires only from residential curbside collection programs or designated recycling/convenience centers to the local government consolidation point, are exempt from the hauler registration requirements of Part II of this regulation.

4. Waste tires shall be transported under such conditions and circumstances so as to control mosquitoes and prevent their spread.

5. A waste tire hauler shall deposit waste tires and processed tires at a permitted waste tire processing facility, permitted waste tire collection facility, permitted solid waste management facility, or at another site approved by the Department.

## **B. Registration.**

1. No waste tire hauler may transport waste tires unless registered with the Department and issued a registration number.

2. Waste tire hauler registrations shall have an annual expiration date of March 1.

3. A new application for registration shall be submitted at least thirty (30) days before the hauler intends to begin transporting waste tires.

4. Renewal applications shall be submitted at least thirty (30) days before the expiration date of the existing registration.

5. The application shall be on a form provided by the Department, and shall contain at a minimum the following information:

a. The name and address of the hauling company and the names and addresses of the officers or owners of the hauling company;

b. Information on the locations in South Carolina or elsewhere to which the waste tires will be transported for storage, processing, or disposal;

c. Documentation that the applicant has secured financial assurance in accordance with Part II.D of this regulation; and,

d. For renewal applications, the annual report required in Part II.C of this regulation.

6. A person may submit one (1) application for registration of a fleet of multiple vehicles.

## **C. Annual Report.**

1. Waste tire haulers shall submit to the Department, on a form to be provided by the Department, a completed annual report to reflect the information collected under Part I.C.



2. This report shall be submitted to the Department annually by March 1 of each year to reflect the previous calendar year.

#### **D. Financial Assurance for Waste Tire Haulers.**

1. Waste tire haulers that haul tires for compensation by other persons shall be required to provide financial assurance to pay for corrective action.

2. Waste tire haulers shall provide financial assurance in the amount of ten thousand dollars (\$10,000).

3. The financial assurance shall be issued in favor of the Department and shall consist of one (1) or more of the following mechanisms: surety bond, irrevocable letter of credit, insurance, trust fund, corporate financial test, or other evidence of financial responsibility assurance approved by the Department.

4. The Department shall use the financial assurance when necessary to pay for clean-up or corrective action. Any money remaining after completion of clean-up and/or corrective action shall be returned to the person who posted the financial assurance.

5. Financial assurance requirements of Part II.D of this regulation do not apply to a local government that hauls waste tires.

### **Part III. Waste Tire Collection Facility Requirements.**

#### **A. General Requirements for Waste Tire Collection Facilities.**

1. No person shall store more than one hundred twenty (120) waste tires or processed tires unless the waste tires or processed tires are:

- a. Collected and stored at a permitted waste tire collection facility, in accordance with this regulation;
- b. Collected and stored at a permitted solid waste management facility before processing and recycling or disposal in accordance with this regulation; or,
- c. Managed as otherwise exempted by this regulation.

2. The operator of a waste tire collection facility shall not accept waste tires in excess of the storage limit defined in the facility permit. Each tire stored in excess of the permitted storage limit may be considered a separate violation of this regulation.

3. At least seventy-five (75) percent of the waste tires and processed tires that are both stored at the facility at the beginning of each calendar quarter, and delivered to the facility during each quarter, shall be removed from the facility during the quarter.

4. All waste tire collection facilities must comply with the requirements of this regulation, unless otherwise exempted or approved by the Department.

5. The owner or operator of a waste tire collection facility shall control mosquitoes and rodents so as to protect the public health and welfare and to prevent public health nuisances on or sourced from the facility. The owner or operator shall implement such mosquito control measures or other pest control measures as may be required by the Department and/or local mosquito control program. Records shall be kept of all mosquito control activities and made available upon request.

**B. Exemptions.** The following activities do not require a collection facility permit if the designated waste tire sites are maintained so as to prevent and control mosquitoes or other public health nuisances as determined by the Department:

1. A tire retailing business storing less than one thousand (1,000) waste tires on the business premises; tires managed for resale do not count toward this limit provided they are segregated from waste tires and stored by size in a rack or stack not more than two rows wide, in such a manner as to allow the inspection of each individual tire;

2. A tire retreading business storing less than two thousand five hundred (2,500) waste tires on the business premises, or a tire retreading facility that is owned or operated by a person manufacturing tires in this state or a parent company or its subsidiaries manufacturing tires in this state;

3. A business that in the ordinary course of business, removes tires from motor vehicles, if less than one thousand (1000) of these tires are being stored on the business premises; or

4. A permitted solid waste management facility with less than two thousand five hundred (2500) waste tires temporarily stored on the business premises.

**C. Location and Design Criteria.**

1. All facilities shall comply with the minimum buffers listed below, as they exist at the time the permit application is received by the Department:

a. A minimum two hundred (200)-foot buffer shall be required from residences, schools, day-care centers, churches, hospitals, and publicly owned recreational park areas;

b. A minimum fifty (50)-foot buffer shall be required from property lines;

c. A minimum two hundred (200)-foot buffer shall be required from any body of water or any wetlands area; and,

d. A minimum two hundred (200)-foot buffer shall be required from public or private drinking water wells.

2. The Department may approve, with documented consent of all property owners within the buffer, less stringent buffers than those listed in this regulation.

3. The Department reserves the right to require more stringent buffers if it is determined, based on the location or operations, that more stringent buffers are necessary to protect health and the environment.

4. The Department's permit decision does not supersede, affect, or prevent the enforcement of a zoning regulation or ordinance within the jurisdiction of an incorporated municipality or county, or by an agency or department of this state.

5. Local governments may require siting criteria and buffer distances that are more stringent than the state regulations.

6. The Department may issue a variance to operate with less restrictive buffers with documented consent of all property owners within the buffer, or when the technology and practices of the operation justify the reduction. The request shall be made in writing to the Department.

7. Permitted facilities operating on the effective date of this regulation shall not be subject to the location criteria.

8. The facility shall be managed so that stormwater or floodwater is diverted around and away from the storage piles.

9. Access to the facility shall be controlled through the use of fences, gates, natural barriers, or other means approved by the Department.

10. The facility shall be bermed or given other adequate protection deemed necessary by the Department to keep liquid runoff from a potential tire fire from entering a body of water.

#### **D. Operating Criteria.**

1. A waste tire pile or processed tire pile shall have no greater than the following maximum dimensions:

a. Width: fifty (50) feet;

b. Area: ten thousand (10,000) square feet; and,

c. Height: fifteen (15) feet.

2. A fire lane fifty (50) feet wide shall be placed around the perimeter of each waste tire pile. Access to the fire lane for emergency vehicles must be unobstructed at all times.

3. The owner or operator of a waste tire facility shall control mosquitoes and rodents to protect public health and welfare. The owner or operator shall implement such mosquito control measures or other pest control measures as may be required by the Department and/or local mosquito control program. Records shall be kept of all mosquito control activities and/or preventive measures and shall be made available upon request.

4. If the facility receives tires from persons other than the operator of the facility, a sign shall be posted at the entrance of the facility that states operating hours, permit number, and emergency contacts.

5. No operations involving the use of open flames shall be conducted within fifty (50) feet of a waste tire pile.

6. An approach and access road to the waste tire facility shall be kept passable for emergency vehicles at all times.

7. An attendant shall be present when the waste tire facility is open for business and the facility shall be secured from public access when closed.

8. Fire protection services for the facility shall be assured through arrangements with local fire protection authorities. Documentation of these arrangements must be provided to the Department and made available upon request.

9. Communication equipment shall be maintained in working order at the waste tire facility to ensure that the site operator and other employees can contact local fire protection authorities in the event of an emergency.

10. The waste tire storage areas of the facility shall be kept free of grass, underbrush, and other potentially flammable material at all times.

11. The operator of the facility shall prepare and keep at the facility an emergency preparedness manual. The manual shall be updated at least once a year. The manual shall contain, at a minimum, the following elements:

a. A list of names and telephone numbers of persons to be contacted in the event of a fire, flood, or other emergency;

b. A list of the emergency response equipment at the facility, with the location of the equipment clearly shown on a facility map, and instructions for its use in the event of a fire or other emergency; and,

c. A description of the procedures to be followed in the event of a fire, including, but not limited to, procedures to contain and dispose of the oily material generated by the combustion of a large numbers of tires.

12. Upon becoming aware of a fire or an emergency that has potential off-site effects, the facility personnel shall immediately notify the Department. If the emergency occurs after normal business hours, the facility shall contact the Department through the Department's 24-Hour Emergency Response Number. Within two (2) weeks of any emergency involving potential off-site impact, the operator of the site shall submit to the Department a written report summarizing the emergency. This report shall describe the origins of the emergency, the actions that were taken to remediate the emergency, the results of the actions that were taken, and an analysis of the success or failure of the actions.

13. The operator of the facility shall maintain records of the quantity of waste tires and processed tires received at the site, stored at the site, and shipped from the site.

14. Waste tires stored indoors shall meet the same storage criteria as tires stored outdoors unless otherwise specified by the Department.

15. The storage of processed tires shall meet all of the storage criteria as stated in this Section.

16. The temperature of any above-ground piles of compacted, processed tires over one thousand (1,000) cubic yards in size shall be monitored to ensure that the temperature of the tires does not exceed 302 degrees Fahrenheit (150 degrees Celsius). Temperature control measures shall be instituted so that pile temperatures do not exceed 302 degrees Fahrenheit (150 degrees Celsius).

17. Any residuals from waste tire processing shall be managed so that the residuals are contained on-site; the residuals shall be stored temporarily and be controlled and disposed in a permitted solid waste management facility or properly recycled.

#### **E. Application Requirements for Waste Tire Collection Facility Permits.**

1. The application for a waste tire collection facility shall be on a form provided by the Department.

2. The application shall contain at a minimum the following:

- a. Proof of ownership of the property upon which the waste tires are collected;
- b. Site maps or other documents detailing the location and design criteria requirements of Part III.C;
- c. An operational plan outlining the operational requirements of Part III.D;
- d. A closure plan which shall include at a minimum the following:
  - (1) Schedule for removal of all waste, waste tires, or processed tires and residuals; and,
  - (2) Certification that all waste or processed tires remaining on site will be transported to a permitted processing or disposal facility and that closure shall be performed in accordance with Part V of this regulation; and
- e. Documentation that the applicant has secured financial assurance in accordance with Part V of this regulation.

**F. Record Keeping and Annual Reports.**

1. The owner or operator of a waste tire collection facility shall record and maintain for three (3) years the following information regarding its activities:

a. For all waste tires and processed tires shipped from the facility, the name and waste tire hauler, registration number of the waste tire hauler who accepted the waste or processed tires for transport, the quantity of waste tires or processed tires shipped with that hauler, and the place where the waste or processed tires were deposited;

b. For all waste tires and processed tires received at the facility, the name and waste tire hauler registration number of the hauler who delivered the waste or processed tires to the facility, and the quantity of waste or processed tires received from that hauler; and,

c. For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.

2. The above records shall be available at the facility for inspection by Department personnel during normal business hours.

3. Owners and operators of waste tire collection facilities shall submit to the Department an annual report, by March 1, that reflects the information collected under Section F.1 above, and the information outlined below:

- a. The facility name, address and permit number;
- b. The calendar year covered by the report;
- c. The total quantity and type of waste tires and processed tires received at the facility during the year covered by the report;
- d. The total quantity and type of waste tires and processed tires shipped from the facility during the year covered by the report;

- e. The general disposition of waste tires and processed tires; and,
- f. The total quantity and type of waste tires and processed tires located at the facility on the first day of the calendar year.

#### **Part IV. Waste Tire Processing Facility Requirements.**

##### **A. General Requirements for Waste Tire Processing Facilities.**

1. No person shall operate a waste tire processing facility without a permit issued by the Department.
2. All waste tire processing facilities shall be operated in accordance with this regulation.
3. A waste tire processing facility shall not accept any waste tires for processing in excess of its permitted storage limit. The maximum allowable storage limit for processing facilities is thirty (30) times the daily through-put of the processing equipment used. Each waste tire or processed tire stored in excess of the permitted storage limit may be considered a separate violation of this regulation.
4. At least seventy-five (75) percent of the waste tires and processed tires that are both stored at the facility at the start of a calendar year, and are delivered to the facility during the year, shall be processed and removed from the facility during the calendar year.
5. All waste tire processing facilities shall comply with the location, design, and operational standards of this regulation unless otherwise exempted or approved by the Department.
6. A permitted solid waste management facility with less than two thousand five hundred (2500) waste tires temporarily stored on the facility premises is not required to obtain a waste tire processing permit prior to disposal, provided the waste tires are maintained in a manner that will prevent and control mosquitoes or other public health nuisances.

##### **B. Location, Design and Operating Criteria.**

1. All waste tire processing facilities shall comply with the location and design criteria of Part III.C of this regulation.
2. All waste tire processing facilities shall comply with the operating criteria of Part III.D of this regulation, unless otherwise exempted or approved by the Department.

##### **C. Permit Requirements for Waste Tire Processing Facilities.**

1. All applications for permits required by this regulation shall be submitted to the Department on forms provided by the Department. No construction of a proposed facility or equipment shall begin until all permits required by the Department are final.
2. The application for a waste tire processing facility shall be on a form provided by the Department, and shall contain at a minimum the following:
  - a. Proof of ownership of the property upon which the waste tire processing facility will be located;

b. Site maps or other documentation detailing the location and site design requirements of Part III.C of this regulation;

c. A plan outlining the operational requirements of Part III.D of this regulation;

d. A description of the tire processing equipment, including manufacturer's information, for determination of throughput;

e. A closure plan, which shall include at a minimum the following:

(1) A schedule for removal of all waste or processed tires and residuals; and,

(2) Certification that all waste or processed tires remaining on site will be transported to a permitted processing or disposal facility and that closure shall be performed in accordance with Part V of this regulation; and,

f. Documentation that the applicant has secured financial assurance in accordance with Part V of this regulation.

#### **D. Record Keeping and Annual Reporting.**

1. The owner or operator of a waste tire processing facility shall record and maintain for three (3) calendar years the following information regarding its activities:

a. For all waste tires and processed tires shipped from the facility, the name and waste tire hauler registration number of the waste tire hauler who accepted the waste tires or processed tires for transport, the quantity of waste tires or processed tires shipped with that hauler, and the place where the waste tires or processed tires were deposited;

b. For all waste tires and processed tires received at the facility, the name and waste tire hauler registration number of the hauler who delivered the waste tires or processed tires to the facility, and the quantity of waste tires or processed tires received from that hauler; and,

c. For all waste tires removed for recapping, the quantity and type removed, and the name and location of the recapping facility receiving the tires.

2. The above-referenced records shall be available at the site for inspection by Department personnel during normal business hours and made available by request.

3. Owners and operators of waste tire processing facilities shall submit to the Department a completed annual report, by March 1, on a form provided by the Department, that includes the information collected under Part IV. D.1 above, and the information outlined below:

a. The facility name, address and permit number;

b. The calendar year covered by the report;

c. The total quantity and type of waste tires and processed tires received at the facility during the calendar year covered by the report;

d. The total quantity and type of waste tires and processed tires shipped from the facility during the calendar year covered by the report;

e. The general disposition of waste tires and processed tires; and,

f. The total quantity and type of waste tires and processed tires located at the facility on the first day of the calendar year.

## **Part V. Financial Assurance and Closure Procedures for Permitted Facilities.**

### **A. Financial Assurance Requirements.**

1. Permitted waste tire facilities shall fund a financial assurance mechanism acceptable to the Department for completing final closure prior to accepting waste tires.

2. A final closure cost estimate, based on third party costs to complete closure by disposing of the maximum quantity of waste and processed tires at a permitted facility, shall be performed annually and adjusted annually, if necessary.

3. The financial responsibility requirements shall not apply to any local government or region comprised of local governments that owns and operates a municipal solid waste management facility, unless and until such time as federal regulations require such local governments and regions to demonstrate financial responsibility for such facilities.

4. The financial assurance shall be issued in favor of the Department and may consist of one (1) or more of the following mechanisms: surety bond, irrevocable letter of credit, insurance, trust fund, corporate financial test, or other evidence of financial responsibility assurance that is approved by the Department.

**B. Closure Procedures.** Waste tire collection and processing facilities shall close in accordance with the following procedures:

1. At least sixty (60) days prior to closure, written notice of intent to close and a proposed closure date shall be submitted to the Department;

2. Upon closing, immediately post closure signs at the facility;

3. All waste tires, processed tires, residuals, and any other waste at a facility shall be removed to a permitted processing or disposal facility and the waste handling areas shall be cleaned within ten (10) days of closure;

4. Within ten (10) days of closure, a Department inspection and approval of closure shall be requested; and,

5. Within sixty (60) days of closure, grade land to promote positive drainage and seed with native vegetation to prevent erosion.

**C. Release of Financial Assurance.** The Department shall release any remaining financial assurance upon verification by the Department that closure has been satisfactorily completed in accordance with this regulation.