Agency Name: Department of Environmental Services
Statutory Authority: 44-96-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026
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By	Date	Action Description	Jt. Res. No.	Expiration Date
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Document No. 5484
DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 61
Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026

61-107.3. Solid Waste Management: Waste Tires.

Preamble:

In May 2025, the Governor signed Act 33. The Department of Environmental Services (Department) is proposing to amend R.61-107.3, Solid Waste Management: Waste Tires, to incorporate Act 33's revisions and additions to the Department's requirements for waste tires. Act 33 expanded the manifesting and auditing system for waste tire haulers, added and clarified some definitions, implemented a new decal system for waste tire haulers, established a Statewide Waste Tire Facility List, and strengthened recordkeeping and reporting requirements for waste tire haulers and facilities.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the June 26, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-107.3, Part I, B. Definitions	Addition	The following definitions from Act 33 are being added: 3. "Manifest" 8. "Regroovable tire" 9. "Regrooved tire" 15.(a) and (b) "Unsafe used tire" 16. "Used tire" 18. "Waste tire facility" 19. "Waste Tire Facility List"
	Revision	Renumbering definitions throughout section to accommodate the additions listed above.
	Revision	Revising definition 16, to become 23(a) and (b), "Waste tire hauler"
R.61-107.3, Part I, C. Manifesting	Addition	Adding waste tire hauler information to the manifest requirements as stated in Act 33
	Revision	Renumbering manifest requirements to accommodate addition

	Addition Addition	Adding manifest submission requirements Adding audit program requirements
R.61-107.3, Part I, G. Statewide Waste Tire Facility List	Addition	Add the Statewide Waste Tire Facility List and its requirements to be included and removed
R.61-107.3, Part II, B. Registration, decals, and delinquency penalties	Revision Addition Addition	Renumber section to accommodate additions Adding decal requirements as required by Act 33 Adding delinquency penalties as required by the Act
R.61-107.3, Part II, E. Electronic Manifest Submission	Addition	Adding specification to submit manifests electronically to the Department
R.61-107.3, Part III, D. Operating Criteria	Addition	Adding statement about the Statewide Waste Tire Facility List as mentioned in the Act
R.61-107.3, Part III, F. Recordkeeping and Annual Reports	Addition	Adding requirements to maintain manifest records and cooperate with Department audits
R.61-107.3, Part IV, F. Recordkeeping and Annual Reports	Addition	Adding requirements to maintain manifest records and cooperate with Department audits
R.61-107.3, Part VI. Severability.	Addition	Adding severability clause

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Sallie Williams of the Bureau of Land and Waste Management, South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; swregdev@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, November 23, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Thursday, December 17, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, November 23, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The costs associated with the new decal program and its delinquency penalties will cover the costs of implementing and administering the manifest, decal, and auditing systems.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: R.61-107.3, Solid Waste Management: Waste Tires.

Purpose: In May 2025, Act 33 was signed by the Governor. The Department of Environmental Services (Department) is proposing to amend R.61-107.3, Solid Waste Management: Waste Tires, to incorporate Act 33's revisions and additions to the Department's requirements for waste tires. The proposed amendment will allow the Department's regulations to maintain consistency with the Act and its new additions.

Legal Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of waste tires. The Department promulgated the resulting regulation in 1993, with an amendment in 2015. The proposed amendments to R.61-107.3 include only the changes required by 2025 Act 33. As the Act is now promulgated, these changes are necessary and reasonable to maintain consistency between 2025 Act 33 and Department regulations.

A stakeholder workgroup met several times to discuss the proposed amendments. The workgroup included private sector representatives, including tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. The group solicited input from representatives of environmental organizations and the South Carolina Asphalt Pavers Association. Public sector representation was provided by state, county and municipal government representatives; state and local solid waste management representatives; the South Carolina Association of Counties; the South Carolina Department of Commerce; and Department staff.

DETERMINATION OF COSTS AND BENEFITS:

The costs associated with the new decal program and its delinquency penalties will be sufficient to cover the costs of implementing and administering the manifest, decal, and auditing systems.

UNCERTAINTIES OF ESTIMATES:

No foreseeable uncertainties of estimates relate to the cost to the State or its political subdivisions.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

While these revisions are expected to have many positive impacts, the primary intention is to reduce the likelihood of illegal dumping, collection, and storage of waste tires. Illegally stored tires attract vermin and increase mosquito populations, creating public health nuisances, and promoting disease in humans and animals. Illegally dumped tires pose a fire hazard, and tire fires produce toxic fumes and harmful runoff. These revisions are expected to ensure that tires are managed properly, protecting both public health and the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

As waste tires remain an important topic in South Carolina, the proposed amendments strengthen waste tire management in the state, which protects the environment and public health from improperly collected, transported, and stored waste tires and illegally dumped tires that may cause mosquitoes or other vectors to proliferate.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The South Carolina Solid Waste Policy and Management Act of 1991 directed the Department to develop regulations to promote the recycling and proper management of waste tires. The Department promulgated the resulting regulation in 1993, with an amendment in 2015. The changes introduced by 2025 Act 33 are necessary to maintain consistency between the Act and Department regulations.

A stakeholder workgroup met several times to discuss the proposed amendments. The work group included private sector representatives, including tire manufacturers, tire retailers, waste tire haulers, waste tire processors, and representatives of the waste management industry. The group solicited input from representatives of environmental organizations and the South Carolina Asphalt Pavers Association. Public sector representation was provided by state, county and municipal government representatives; state and local solid waste management representatives; the South Carolina Association of Counties; the South Carolina Department of Commerce; and Department staff.

~~Indicates Matter Stricken~~
Indicates New Matter

Text:

R.61-107.3. Solid Waste Management: Waste Tires.

Statutory Authority: 1976 Code Sections 44-96-10 et seq., 48-6-10 et seq., and ~~2023 Act No. 60, effective July 1, 2024~~ 2026 Act No. 146, effective May 15, 2026

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 Environmental Services.

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. "Manifest" means a record that contains all information required by the Department including, but not limited to, an accurate measurement of the number of tires being transported, the type or types of tires, the date the tires originated from and reached their destination, and the original and intended final destination.

~~3~~4. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

~~4~~5. "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~~6. "Quantity" means either volume as measured by cubic yard, weight as measured in tons or pounds, or actual number of tires by type.

~~6~~7. "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.

8. "Regroovable tire" means a tire, either original tread or retread, designed and constructed with sufficient tread material to permit renewal of the tread pattern or the generation of a new tread pattern.

9. "Regrooved tire" means a tire, either original tread or retread, on which the tread pattern has been renewed, or a new tread has been produced by cutting into the tread of a worn tire to a depth equal or deeper than the original groove depth.

~~7~~10. "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~~11. "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~~12. "Tire derived product" means processed tire material that has been sold and removed from the processing facility.

1~~0~~3. “Tire disposal” means to deposit, dump, spill, or place any waste tire, processed tire, or residuals into or upon any land or water.

1~~1~~4. “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.

15.(a)“Unsafe used tire” means a tire with one or more of the following characteristics:

(1) tread depth is worn to two thirty-seconds of an inch or less on any area of the tire;

(2) damage exposing the reinforcing piles of the tire, including cuts, cracks, bulges, or punctures;

(3) an improper repair that includes any repair to the tire in the belt edge area, a repair to the sidewall or bead area of the tire, or a puncture repair of damage that is larger than three-eighths of an inch in size;

(4) evidence of prior use of a temporary tire sealant without evidence of a subsequent properly-performed repair;

(5) a defaced or removed United States Department of Transportation tire identification number usually located on the sidewall of the tire;

(6) inner liner or bead damage, such as blistered liner or inner cracks; or

(7) indication of internal separation, such as bulges, carcass-to-belt, or belt-to-belt separation.

(b) “Unsafe used tire” may also mean a recalled tire whose sale is prohibited by federal law.

16. “Used tire” means a tire that is no longer mounted on a vehicle but is still suitable for use as a vehicle tire and is segregated from waste tires.

1~~2~~7. “Waste tire” means a whole tire that is no longer suitable for its originally intended purpose because of wear, damage, or defect.

18. “Waste tire facility” means a waste tire collection, disposal, processing, or recycling facility as defined in Section 44-96-40(68), waste tire site as defined in Section 44-96-40(70), or a waste tire treatment site as defined in Section 44-96-40(71).

19. “Waste Tire Facility List” means the Department-maintained and published list of permitted South Carolina waste tire recycling facilities and approved out-of-state facilities that satisfy host-state permitting and the criteria established under Part 1.G,

~~1~~320. “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.

~~1~~421. “Waste tire collection facility” means a permitted facility or a facility exempted from the permit requirement, used for the temporary storage of waste tires.

~~1~~522. “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~~23.(a) "Waste tire hauler" means a person engaged in the picking up and transportation of greater than fifteen (15) waste tires at one (1) time for the purpose of storage, processing, or disposal at a waste tire facility. A waste tire hauler must comply with the manifest requirements contained in this article and display a decal as provided in Section 39-75-140.

(b) "Waste tire hauler" does not apply to a person hauling waste tires pursuant to a municipality's sanctioned tire clean-up event, to a county's waste tire clean-up enforcement efforts, as provided in Section 44-96-17(D), the South Carolina Department of Transportation, or to a person hauling regrooved or regroovable tires as provided in Article 1 of Section 39-75-100.

~~17~~24. "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~~25. "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, contact information, registration, and vehicle identification of the transporter;

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

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

~~e~~f. 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. Submission and retention. A complete manifest shall be submitted to the Department no later than sixty (60) days after completed delivery using a Department-approved form.

~~6~~7. 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~~8. 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~~9. 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.

10. Audit program. The Department shall conduct continuous random sampling and matching of manifests submitted by generators, haulers, and facilities to verify accuracy and compliance. Regulated entities shall cooperate and provide clarifying documentation upon request.

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.

G. Statewide Waste Tire Facility List.

1. The Department shall maintain and publish on its website a Statewide Waste Tire Facility List.

2. Inclusion. The Waste Tire Facility List shall include Department-permitted waste tire processing facilities that fulfill the requirements of a waste tire recycling facility, as defined in Section 44-96-40(68)(d),

and facilities located outside of South Carolina that are permitted or approved by the host state and that also fulfill the requirements of a waste tire recycling facility, as defined in Section 44-96-40(68)(d).

3. Removal. The Department shall remove from the Waste Tire Facility List any facility whose permit has been revoked or suspended, until the permit has been reinstated by the Department or host state. Retailers may contract with a waste tire hauler to collect, transport, and deliver waste tires to a Department-permitted waste tire facility in accordance with the manifest requirements as provided in Article 3. Chapter 75 of Title 39.

4. Use of List. Waste tire retailers and haulers shall deliver waste tires only to facilities on the List, unless otherwise authorized by the Department in writing for emergency or contingency circumstances.

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, decals, and delinquency penalties.

1. Registration. No waste tire hauler may transport waste tires unless registered with the Department.

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

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

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

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

~~a.~~(1) The name and address of the hauling company and the names and addresses of the officers or owners of the hauling company;

~~b.~~(2) Information on the locations in South Carolina or elsewhere to which the waste tires will be transported for storage, processing, or disposal;

~~c.~~(3) Documentation that the applicant has secured financial assurance in accordance with Part II.D of this regulation; and,

~~d.~~(4) For renewal applications, the annual report required in Part II.C of this regulation.

~~6~~2. A person may submit one (1) application for registration of a fleet of multiple vehicles.

3. Decals. Upon registration approval or renewal, the Department shall issue a pair of vehicle decals displaying the hauler's registration number and expiration date.

a. One decal shall be conspicuously displayed on the rear of the vehicle transporting tires. The other decal shall be placed on the driver's side door.

b. The Department shall charge a fee to be determined annually by the Waste Tire Committee.

c. Replacement or additional decals may be issues for vehicle changes upon request and documentation.

4. Delinquency penalties. Operation with an expired decal subjects the hauler to the following delinquency penalties payable to the Department:

a. < 15 days delinquent: $10;

b. 15-29 days delinquent: $25;

c. 30-89 days delinquent: $50;

d. 90 or more days delinquent: $75.

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.

E. Electronic Manifest Submission.

1. Haulers shall submit manifests to the Department within 60 days after completed delivery to the receiving facility, including electronic submission via a Department-approved form.

2. Failure to submit manifests as required may result in enforcement action under Parts I.D and E.

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.

<u>18. A facility receiving waste tires from retailers or registered haulers shall be included on the statewide Waste Tire Facility List or otherwise approved by the Department.</u>

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.

4. Facilities shall ensure that manifests submitted by haulers and generators reconcile with facility receipt records; discrepancies shall be documented and reported upon Department request.

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.

4. Processing facilities shall maintain records demonstrating compliance with Department audit requests and shall provide data in the format specified by the Department.

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.

Part VI. Severability.

If any provision or application of this regulation is held invalid, the remaining provisions and applications remain in effect.