



South Carolina Department of Health
and Environmental Control

Regulation 61-107.3

SWM: Waste Tires

Effective Date: April 23, 1993

**Bureau of Land & Waste Management
Division of Mining & Solid Waste Management
2600 Bull Street
Columbia, SC 29201**

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CHAPTER 61
Statutory Authority: 1976 Code Section 44-96-170 (1991)

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

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A. Applicability. This section applies to waste tire haulers, collectors, processors and disposers, except as specifically exempted.

B. Definitions.

1. "Department" means the South Carolina Department of Health and Environmental Control.
2. "Motor Vehicle" means an automobile, motorcycle, truck, trailer, semi-trailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, such vehicles as run only upon a track, bicycles, moped, or farm tractors and trailers.
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.
5. "Quantity" means either volume, or actual number of tires. For purposes of this regulation, assume that there are one hundred (100) tires per ton and ten (10) whole tires per cubic yard.
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. "Service area" means an area in which the local government provides directly or by contract for solid waste management services.
8. "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 facilities which is managing solid waste.

9. "Temporarily" means, for the purposes of this regulation only, a time period of less than thirty (30) days.

10. "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.

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

12. "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.

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

14. "Waste tires for agricultural purposes" means waste tires which are generated during the normal production of plants and livestock and which are kept on-site for beneficial re-use.

15. "Waste tire collection site" means a permitted site, or a site exempted from the permit requirement, used for the temporary storage of waste tires prior to treatment or recycling.

16. "Waste tire disposal facility" means a site where waste tires are disposed of by burial or are recycled.

17. "Waste tire hauler" means a person engaged in the picking up or transporting of greater than one hundred twenty (120) waste tires per year for the purpose of storage, processing, or disposal.

18. "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.

19. "Waste tire site" means an establishment, site, or place of business, without a collector or processor permit, that is maintained, operated, used, or allowed to be used for the disposal, storing, or depositing of unprocessed used tires, but does not include a truck service facility which meets the following requirements:

- a. all vehicles serviced are owned or leased by the owner or operator of the service facility;
- b. no more than two hundred (200) waste tires are accumulated for a period of not more than thirty (30) days at a time;
- c. the facility does not accept any tires from sources other than its own; and,
- d. all waste tires are stored under a covered structure.

20. "Wetlands area" means those areas delineated and defined specifically as wetlands according to the methodology accepted by the U. S. Army Corps of Engineers and the U. S. Environmental Protection Agency.

C. Waste Tire Permit Requirements.

1. All applications for permits and registrations required by this regulation for existing facilities or mobile operations shall be submitted to the Department within ninety (90) days after the effective date of this rule unless otherwise indicated.
2. All applications for permits and registrations required by this regulation for new facilities or mobile operations shall be submitted to the Department on forms specified by the Department. No construction of the proposed facilities or equipment shall begin until all required permits are final.
3. All tires to be landfilled or stored on site for greater than thirty (30) days shall, at a minimum, be cut in eighths. An exemption to this requirement can be requested by the applicant and may be approved on a case by case basis.

D. Waste Tire Permit Exemptions.

This regulation does not apply to items (1) through (6) below if these designated waste tire sites are maintained so as to prevent and control mosquitos or other public health nuisances as determined by the Department:

1. a tire retailing business where less than one thousand (1000) waste tires are kept on the business premises;
2. a tire retreading business where less than two thousand five hundred (2500) waste tires are kept on the business premises, or a tire retreading facility that is owned or operated by a company that manufactures tires in this State or the tire manufacturer's parent company or its subsidiaries;
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 kept on the business premises;
4. a permitted solid waste management facility with less than two thousand five hundred (2500) waste tires temporarily stored on the business premises;
5. a person using waste tires for agricultural purposes; or,
6. a manufacturer who disposes 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.

E. Waste Tire Prohibitions.

1. After the effective date of this regulation, no person shall operate a waste tire collection site, processing facility, or disposal site, unless the site is permitted in accordance with this regulation.
2. After the effective date of this regulation, no person shall act as a waste tire hauler unless registered in accordance with this regulation.
3. After the effective date of this regulation, no person shall dispose of waste tires or processed tires

except at a permitted solid waste management facility. Collection of waste tires at a permitted waste tire processing facility or waste tire collection center prior to processing or use does not constitute disposal, provided that the collection complies with this regulation.

4. Six (6) months after the effective date of this regulation, no person shall knowingly dispose of whole waste tires in a landfill.

5. After the effective date of this regulation, no person shall store waste tires unless the waste tires are:

a. Collected and stored at a permitted waste tire collection center, permitted in accordance with this regulation; or,

b. Collected and stored before processing and recycling or disposal in a permitted solid waste management facility.

6. No person shall contract with a waste tire collector for the transportation, disposal, or processing of waste tires unless the collector is permitted by the Department for such activities.

F. Waste Tire Hauler Requirements. The requirements of this section apply to haulers of waste tires and processed tires.

1. 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.

2. After the effective date of this regulation, any waste tire hauler engaged in transporting waste tires for the purpose of storage, disposal, or processing shall be registered with the Department and shall have received a registration number.

3. For a hauler who was transporting waste tires on the effective date of this regulation, the application for registration shall be submitted within ninety (90) days after the effective date of this regulation. For a new hauler, the application for registration shall be submitted at least thirty (30) days before the hauler intends to begin transporting waste tires. Renewal applications shall be submitted at least thirty (30) days before the expiration date of the existing registration. A hauler shall renew the registration annually by March 1. 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 geographic area to be served for waste tire collection, and the locations in South Carolina or elsewhere to which the waste tires will be transported for storage, processing, or disposal; and,

c. The annual report required in Section (6) below (for renewal application only).

4. A corporate entity or local government may submit one application for registration for its entire fleet of vehicles.

5. A waste tire hauler shall record and maintain for three (3) years the following information regarding its

activities for each three (3) month period of operation. These records shall be available for inspection by Department personnel during normal business hours:

- a. The approximate quantity of waste tires or processed tires hauled;
- b. Where and from whom the waste tires or processed tires were hauled; and,
- c. Where the waste tires or processed tires were deposited. For at least three (3) years the waste tire hauler shall keep receipts or other written materials documenting where all waste tires or processed tires were stored or disposed.

6. Waste tire haulers shall submit to the Department an annual report that summarizes the information collected under Section 5. above on a form to be provided by the Department. This report shall be submitted to the Department annually by March 1.

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

8. A waste tire hauler shall deposit waste tires and processed tires for storage or disposal only in a permitted waste tire processing or collection facility, at a permitted solid waste management facility, or at another site approved by the Department.

9. Any person who fails to comply with this regulation is subject to having its waste tire hauler registration number revoked.

10. When a waste tire hauler registration number expires or is revoked, the applicant shall immediately cease all tire hauling operations.

G. Collection Facility Requirements. The requirements of this section apply to collectors of waste tires.

1. After the effective date of this regulation, no person shall operate a waste tire collection site, unless the site is permitted in accordance with this regulation.

2. At least seventy-five (75%) per cent of both the waste tires and processed tires that are delivered to or are contained on the site of a waste tire collection facility at the beginning of each calendar quarter shall be processed and removed for disposal from the facility during the quarter.

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

4. All waste tire collection facilities and any processing or disposal facilities which store greater than one hundred twenty (120) waste tires or processed tires at any one time must comply with the following technical and operational standards:

- a. A waste tire collection facility shall not be constructed, maintained or operated in or within 200 feet of a body of water, or in any wetlands area. A person may maintain a waste tire site within a 200 foot setback upon demonstration to the Department that permanent control methods for residuals will result in compliance with water quality standards. The site shall be managed in such a way as to divert stormwater or floodwaters around and away from the storage piles;

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

- (1) Width: 50 feet;
- (2) Area: 10,000 square feet; and,
- (3) Height: 15 feet;

c. A 50 foot wide fire lane 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;

d. The owner or operator 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;

e. If the facility receives tires from persons other than the operator of the facility, a sign shall be posted at the entrance of the site stating operating hours, cost of disposal and site rules;

f. No operations involving the use of open flames shall be conducted within 50 feet of a waste tire pile;

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

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

i. An attendant shall be present when the waste tire facility is open for business if the site receives tires from persons other than the operator of the site, otherwise the facility shall be secured from public access;

j. 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;

k. Fire protection services for the facility shall be assured through arrangements with local fire protection authorities. Documentation of these arrangements must be provided;

l. Communication equipment shall be maintained at the waste tire facility to assure that the site operator can contact local fire protection authorities in the event of an emergency;

m. The waste tire facility shall be kept free of grass, underbrush, and other potentially flammable material at all times;

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

elements:

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

(2) A list of the emergency response equipment at the site, its location clearly shown on a site map, and instructions for use in the event of a fire or other emergency; and,

(3) A description of the procedures that should 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 large numbers of tires;

o. The operator of the facility shall immediately notify the Department in the event of a fire or other emergency if that emergency has potential off-site effects. 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 on 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; and,

p. 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.

5. The storage of processed tires shall meet all of the storage criteria as stated in this section.

6. The owner or operator of a waste tire collection facility shall record and maintain for three (3) years the following information regarding its activities. These records shall be available at the site for inspection by Department personnel during normal business hours:

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.

7. Owners and operators of waste tire collection facilities shall submit to the Department an annual report, by March 1, that summarizes the information collected under Section (6) above, and the information outlined below:

a. The facility name, address and permit number;

b. The year covered by the report;

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

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

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

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

8. The temperature of any above-ground piles of compacted, processed tires over 1,000 cubic yards in size shall be monitored and may not exceed 302 degrees Fahrenheit (150 °C). Temperature control measures shall be instituted so that pile temperatures do not exceed 302 degrees Fahrenheit (150°C). Temperature monitoring and controls are not required for uncompacted processed tires disposed of in permitted landfills.

9. Any residuals from waste tire processing shall be managed so as to be contained on-site, and must be controlled and disposed in a permitted solid waste management facility or properly recycled.

10. The Department shall approve exceptions to the preceding technical and operational standards for a person processing waste tires if:

a. No waste tires or processed tires are stored on that site for more than thirty (30) days and adequate vector control measures are taken; and,

b. The Department, after consultation with the local fire authority, is satisfied that the site owner or operator has sufficient fire suppression equipment or materials on site to extinguish any potential tire fire within an acceptable period of time, as determined by the local fire authority.

11. All applications for waste tire collection facilities must include a closure plan which shall include at a minimum the following:

a. Schedule for removal of all waste or processed tires and residuals; and,

b. Certification that all waste or processed tires remaining on site will be transported to a permitted processing or disposal facility.

12. All applications for tire collection facilities shall be accompanied by certification that the project is consistent with the applicable goals and objectives of solid waste management plans in the proposed service area of the facility and of the South Carolina State Solid Waste Management Plan in effect at the time of permit application.

13. All applications for waste tire collection facilities, shall demonstrate the site is in compliance with all local zoning ordinances.

H. Waste Tire Processing Facility Requirements. The requirements of this section apply to Processors of waste tires.

1. After the effective date of this regulation, no person shall operate a waste tire processing facility, unless

the site is permitted in accordance with this regulation.

2. All waste tires and processed tires shall be stored in accordance with the Waste Tire Collection Facility requirements, Section G.

3. A waste tire processing facility may not accept any waste tires for processing if it has reached its storage limit. The storage limit for processing facilities is 30 times the daily through-put of the processing equipment used. At least 75 per cent of both the waste tires and processed tires that are delivered to or are contained on the site of the waste tire processing facility at the beginning of each calendar year must be processed and removed for disposal or recycling from the facility during the year, or disposed on the site in a permitted solid waste management facility.

4. The owner or operator of a waste tire processing facility shall record and maintain for three (3) years the following information regarding its activities. These records shall be available at the site for inspection by Department personnel during normal business hours:

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.

5. Owners and operators of waste tire processing facilities shall submit to the Department an annual report, by March 1, on a form provided by the Department, that summarizes the information collected under Section (4) above, and the information outlined below:

a. The facility name, address and permit number;

b. The year covered by the report;

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

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

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

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

6. All applications for waste tire processing facilities shall include a closure plan which shall include at a minimum the following:

- a. Schedule for removal of all waste or processed tires and residuals; and,
- b. Certification that all waste or processed tires remaining on site will be transported to a permitted processing or disposal facility.

7. All applications for tire processing facilities shall be accompanied by certification that the project is consistent with the applicable goals and objectives of solid waste management plans in the proposed service area of the facility and of the South Carolina State Solid Waste Management Plan in effect at the time of permit application.

8. All applications for waste tire processing facilities shall demonstrate the site is in compliance with all local zoning ordinances.

I. Waste Tire Disposal Facility. This section applies to all Waste Tire Disposal Facilities.

1. After the effective date of this regulation, no person shall operate a waste tire disposal site, unless the site is permitted in accordance with this regulation.

2. Land disposal of cut or chopped tires is an acceptable method of disposal provided;

a. The disposal location site shall:

- (1) be easily accessible to collection vehicle(s);
- (2) have an adequate quantity of acceptable earth or other approved cover material; and,
- (3) meet local zoning restriction;

b. The request for a permit to construct and/or operate a disposal site shall include:

(1) Map or aerial photograph of the area showing land use and zoning within 1/4 mile of the solid waste disposal site. The map or aerial photograph shall be of sufficient scale to show all homes, buildings, establishments, roads and other applicable details and shall indicate the general topography of the area;

(2) Plot plan of the site showing dimensions, proposed trenching plan or original fill face, cover stock piles, and fencing. Cross sections shall be included on the plot plan or on separate sheets showing both the original and proposed fill elevations. The scale of the plot plan should not be greater than 200 feet per inch; and,

(3) A report shall accompany the plans indicating:

- (a) source and quantity of cover material;
- (b) frequency of covering;
- (c) depth of cell(s);
- (d) anticipated quantity and source of waste tire to be disposed at the site; and,

(e) the engineering plans shall include one or more topographic maps at a scale of not over 200 feet to the inch. Contour intervals shall not exceed 10 feet. These maps shall show any proposed fill area; any borrow area; access roads; grades for proper drainage of each lift required and a typical cross section of a lift; special drainage devices if necessary; fencing; equipment shelters; existing and proposed utilities; employee facilities; elevation of the seasonal high water table; and all other pertinent information to clearly indicate the orderly development, operations and completion of the site;

c. The disposal site shall be provided with operational features and appurtenances necessary to maintain a clean and orderly operation. These minimum features are:

- (1) operational plans to direct and control the use of the site;
- (2) fencing of the site to control access, as necessary; and,
- (3) an all-weather access road to the site;

d. In order to provide suitable staff and equipment to man and operate the site, the following is required:

- (1) equipment or adequate contractual arrangements for equipment sufficient for excavating, earth moving, spreading, and covering operations;
- (2) shelter for maintenance and storage of parts, equipment and tools; and,
- (3) reserve equipment available within 24 hours following equipment breakdown; and,

e. The site shall be maintained and operated in conformance with the following requirements:

- (1) solid waste shall be disposed in such a manner that materials are confined and will have no detrimental effect on the environment;
- (2) surface water shall be diverted from the tire disposal area;
- (3) within one (1) month after final termination of disposal operations at the site, or a major part thereof, the area shall be covered with at least two (2) feet of compacted earth material adequately sloped to allow surface water runoff;
- (4) all tires shall be covered at least every thirty (30) days with at least six (6) inches of well compacted soil;
- (5) the finished surface of the disposal site shall be seeded with native grasses or other suitable ground cover immediately upon completion of that portion of the disposal site;
- (6) the solid waste shall be spread and compacted in thin layers if applicable. Each layer of a cell shall normally be no more than two (2) feet deep prior to compaction and each cell should be no more than 8-10 feet deep;
- (7) conditions unfavorable for the habitation and production of insects and rodents shall be

maintained at all times. The owner and/or operator shall prevent and 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 and/or operator shall implement such control and prevention measures for mosquitoes, rodents, or other pests as may be required by the Department or local health department or mosquito control program may require. Records of all mosquito, rodent, or pest control activities must be kept and made available to the Department upon request;

(8) controlled access to the site must be maintained to keep unauthorized persons out. Access to the site shall be limited to those times when attendants are on duty or only to those authorized to use the site for the disposal of tires; and,

(9) the base grade elevation of the actual disposal area shall be two (2) feet above the seasonal high water table as it exists prior to construction of the disposal area. The seasonal high water table shall be determined based on interpretation of the data from a representative number of geotechnical type borings, unless alternate information can be provided to the Department to ensure that a two (2) foot separation from groundwater will be maintained throughout the life of the disposal area.

3. Other methods of tire disposal are acceptable provided:

a. The disposal location site:

(1) is easily accessible to collection vehicles; and,

(2) meets local zoning restrictions;

b. The request for a permit to operate a disposal site shall be on a form provided by the Department;

c. The request for a permit must also contain the information outlined in Section I(2)(c) and (d) and I(2)(e)(7) and (8).

4. All permits for waste tire disposal facilities issued under this regulation, shall include a Department approved closure and post-closure plan which must contain the following:

a. The closure plan for land disposal sites must include, at a minimum, the following:

(1) Typical drawings that show:

(a) Final grades and elevations;

(b) Final cover details;

(c) Maximum and minimum slopes; and,

(d) Erosion and sedimentation control measures; and,

(2) Detailed discussion of:

(a) Final cover (design, source of, etc.);

- (b) Vegetative cover;
- (c) Erosion and sedimentation control measures;
- (d) Schedule for closure; and,
- (e) The post-closure use of the property.

b. A Post-Closure Care Plan must describe in detail:

- (1) The steps necessary to maintain the integrity and effectiveness of any final cover, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion and preventing run-on and run-off from eroding or otherwise damaging the final cover; and,
- (2) Schedules for routine inspection of vegetative cover, final cover and drainage systems.

5. The owner or operator of a waste tire disposal facility shall record and maintain for three (3) years information regarding its activities. All records shall be available at the site for inspection by Department personnel during normal business hours. The owner or operator shall keep 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, in addition to, the quantity of waste tires or processed tires received from that hauler.

6. Owners and operators of waste tire disposal facilities shall submit to the Department an annual report, by March 1, that summarizes the information collected under Section (5) above, and the information outlined below:

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

7. All applications for tire disposal facilities shall be accompanied by certification that the project is consistent with the applicable goals and objectives of solid waste management plans in the proposed service area of the facility and of the South Carolina State Solid Waste Management Plan in effect at the time of permit application.

8. All applications for waste tire disposal facilities, shall demonstrate the site is in compliance with all local zoning ordinances.

J. Closure And Post Closure Procedures.

- 1. Financial Assurance.

a. Waste tire sites which are exempted from permitting shall be exempt from securing financial assurance for completing closure of their facilities.

b. Permitted facilities shall fund a financial assurance mechanism acceptable to the Department for completing final closure prior to accepting waste tires. A final closure cost estimate, based on third party costs to complete closure by disposing of the maximum quantity of material at a permitted facility shall be performed annually and adjusted annually, if necessary. The financial responsibility requirements shall not apply to any local government or region comprised of local governments which 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.

2. Closure Procedures - Permitted and waste tire sites shall be required to close the facility in accordance with the following procedures:

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

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

c. Complete removal of waste tires and cleaning of the waste handling areas within ten (10) days of closure and request Department inspection and approval of closure; and,

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

K. Closure of Non-Permitted Sites. This section applies to non-permitted existing tire disposal sites.

1. Any existing waste tire site which does not meet the requirements of this regulation, shall close within six (6) months of the effective date of this regulation or shall have applied to upgrade the facility to the standards outlined in these regulations.

2. A closure plan must be approved by the Department prior to initiation of closure activities. The closure plan shall include:

a. A description of how the closure requirements of Section J(2) above will be met;

b. A closure schedule, including time period for completion; and,

c. A plan for site rehabilitation if deemed necessary by the Department.

3. In closing any waste tire site the owner or operator shall:

a. Stop public access to the site;

b. Post a notice indicating the site is closed and the nearest site where waste tires can be deposited;

c. Notify the Department and county government of the closing;

d. Remove all waste tires, processed tires and residuals to a waste tire processing facility, solid waste

management facility authorized to accept waste tires or processed tires, or a legitimate user of processed tires;

e. Remove any solid waste to a permitted solid waste management facility; and,

f. Notify the Department when closure is complete.

4. After receiving notification that site closure is complete, the Department shall inspect the site. If all procedures have been correctly completed, the Department shall approve the closure in writing.