

Summary of Reasons Proposed Revisions to Division 4 Scrap Tire Program

335-4-1 General Provisions:

1. Language added to provide clarification to the applicability of these regulations to new and used tires meeting the definition of 335-4-1-.02.
2. Clarification added and updates made to citation references within definitions.
3. Definitions added for “Limited-use transporter permit” and “Vector”.
4. Definitions updated for “Registered Receiver” and “Solid Waste Disposal Facility (SWDF)”.
5. Rules re-numbered to reflect addition of Applicability as 335-4-1-.01.
6. Updates to Communications with ADEM to indicate the use of electronic submittals via the Department approved electronic system.
7. Clarification added for the Scrap Tire Environmental Fee for dealers selling replacement tires.

335-4-2 Scrap Tire Remediation:

1. Updates made to citation references.
2. Updated the Remediation Plan requirements to include estimated cleanup amounts and added additional language for other regulated waste removal.
3. Clarification added for requirements to obtain a limited use transporter permit.
4. Requests for technical proposals updated to reflect notice to be posted on the Department’s website.

335-4-3 Registration and Permitting:

1. Updates added to include use of the Department-approved electronic system.
2. Requirements added for scrap tire facilities to apply for registration at least 45 days prior to receiving scrap tire materials. Registrations after approval are valid for three years.
3. Existing registered facilities shall submit an application within 180 days of the effective date of these rules.
4. Limited-use transporter permits are valid no longer than 90 days.
5. Changes to reissuance of a permit include submittal of an application at least 60 days prior to permit expiration.
6. General updates made throughout the chapter for clarity.

335-4-4 Management of Tire Materials:

1. Citation references updated throughout the chapter.
2. Updates added to include use of the Department-approved electronic system.
3. Additional language added regarding disposal at an SWDF to include beneficial use as an alternative to disposal in a landfill cell.
4. Language added for Decal requirements.

5. Changes made to reporting requirements for scrap tire processors to semi-annual.

335-4-5 Scrap Tire Receivers:

1. Updates added to include use of the Department-approved electronic system.
2. Recordkeeping and reporting requirements for receivers were changed to semi-annual.
3. Records related to a violation or enforcement action must be retained for at least three years.
4. Clarification updates to language made throughout the chapter.

335-4-6 Scrap Tire Processors:

1. Updates added to include use of the Department-approved electronic system.
2. Requirements added for maintenance of equipment. In-operable equipment will result in the processor not receiving tire material until repairs are made.
3. Storage requirements were added to prevent a fire hazard.

335-4-7 Scrap Tire Transporters:

1. Updates added to include use of the Department-approved electronic system.
2. Recordkeeping and reporting requirements were updated to semi-annual.
3. Records related to a violation or enforcement action must be retained for at least three years.

335-4-8 Financial Assurance:

1. Updates added to include use of the Department-approved electronic system.
2. General updates to language made throughout the chapter for clarity.

335-4-9 Delegation of County Enforcement Programs:

1. Requirements for reporting changed to semi-annual.
2. Updates added to include use of the Department-approved electronic system and the appropriate email address.

335-4-10 End Use Market Development Program

1. This new chapter was created to establish procedures for the disbursement of scrap tire marketing funds for use in developing, implementing, and enhancing scrap tire recycling.
2. Rules include “Definitions”, “Grant Application Requirements”, “Disbursement of Funds”, and “Grant Recordkeeping”.

335-4-11 Procedures for Variances

1. This new chapter was created to provide conditions for granting of variances from the specific provisions of 335-4, provided adequate proof is given that public health and the environment will not be adversely affected.
2. Rules include “Petition for Variances”, “Departmental Action on Petitions for Variance”, and “Termination of Variance”.