ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
LAND DIVISION - SCRAP TIRE PROGRAM
ADMINISTRATIVE CODE

CHAPTER 335-4-3
REGISTRATION AND PERMITTING

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335-4-3-.01 Registration Requirements.

(1) The following scrap tire facilities are required to register with ADEM using ADEM Form 537 via the Department-approved electronic system:

(a) Class One and Class Two Receivers.

(b) Fuel users.

(c) Facilities that produce an end-use material or product from ground or crumb rubber derived from scrap tires purchased from another facility.

(d) Facilities using the component parts of tire materials as a substitute raw material.

(2) Scrap tire facilities, as described in 335-4-3-.01(1), shall apply for a registration at least forty-five (45) days prior to receiving tire material. Upon receipt of a complete application, ADEM shall provide the facility with its registration number and the accumulation limit of tire materials that the facility may accumulate or store.

(3) All new registrations issued after the effective date of 335-4-3-.01(3), will be valid for three (3) years.

(4) All existing registered facilities, except for fuel users, as of the effective date of 335-4-3-.01(3) and as described in 335-4-3-.01(1), shall submit an application for registration renewal in accordance with 335-4-1-.03(4) within one hundred eighty (180) days of the effective date of these rules. Facilities

that do not submit an application for registration renewal within one hundred eighty (180) days of the effective date of these regulations, shall have their registration terminated.

(5) Registered facilities may request a modification to the registration approval to increase the accumulation limit of tire materials they may accumulate or store. The request shall be submitted to ADEM at least forty-five (45) days prior to the proposed change in operations utilizing ADEM Form 537 via the Department approved electronic system. Approval of the modification shall be at the sole discretion of ADEM.

(6) Registrations are not transferable. If a registered facility has a change in ownership, the new owner shall apply, as described in 335-4-1-.03, for a new registration at least thirty (30) days prior to assuming ownership or operational control of the facility, where such change was foreseen and advance notification was practical.

(7) If a scrap tire receiver is found to be in significant noncompliance with 335-4, the registration for the receiver may be revoked and deactivated by the Director. Within thirty (30) days of the date of the revocation, the receiver may request an informal hearing with ADEM to discuss the revocation by ADEM. Following this hearing, the Director shall advise the receiver of the final determination on the registration.

(8) Registered facilities that discontinue receiving, processing or utilizing tire materials shall notify ADEM, as described in 335-4-1-.03, within thirty (30) days of a change in operations and request that their registration be terminated. All tire materials shall be removed from the facility before ADEM will terminate the registration.

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335-4-3-.02 Requests For Exemption.

Facilities described in 335-4-3-.01(1)(c) and (d) may request an exemption as a processor.

(a) The request shall be made using ADEM Form 537 via the Department approved electronic system. A person applying for an exemption shall submit fees as required in 335-1-6, unless expressly exempted by 335-4.

(b) ADEM will terminate review of the request and notify the applicant of any deficiency if sufficient information is not submitted with the application.

(c) After review of the complete application for exemption, ADEM shall notify the processor if the application is approved or denied.

1. The ADEM exemption shall specify the accumulation limit of tire materials that may be stored at the facility, and other special handling requirements.

2. An exemption granted by ADEM shall be valid for a period of three (3) years. Application for renewal of the exemption shall be made on ADEM Form 537 and submitted to ADEM at least forty-five (45) days prior to the expiration date of the current exemption.

3. If processes or conditions that warranted an exemption for the facility change during the term of the exemption, the facility shall notify ADEM via the Department approved electronic system within thirty (30) days of the change. ADEM may revoke the exemption if the changes reported by the facility require a permit.

(d) An exemption may be transferred to a new owner or operator by submitting, as described in 335-4-1-.03, an application using ADEM Form 330 and following the procedures described in 335-4-3-.06(a).

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335-4-3-.03 Requirement For A Permit.

The following facilities require a permit from ADEM to transport or process tire materials, except as provided in 335-4-3-.03(c) and (d):

(a) Transporters of Scrap Tires. Transporters of scrap tires who transport more than eight (8) scrap tires at a time shall obtain a transporter permit.

(b) Processors of Scrap Tires. Permits shall be issued for processing based on the activities performed. The classification of processors shall be:

1. Class One Processor. Processors who shred, size-reduce or alter tires, punch or stamp tire materials to produce

an end product or produce products from ground or crumb rubber at their facility.

2. Class Two Processor. Processors who only shred, size reduce or alter tires at their facility.

3. Class Three Processor. Processors who shred or alter scrap tires at different locations.

(c) The following transporters of scrap tires are exempt from the requirement to obtain a permit as required by this rule from ADEM:

1. Class One and Class Two Receivers transporting tires received or generated from their own operations. For Class Two Receivers, this exemption applies only to scrap tires they generate and does not apply to scrap tires generated by other persons.

2. Persons transporting less than eight (8) scrap tires at one time to a registered receiver, permitted processor or SWDF.

3. State, county, or municipal vehicles transporting illegally disposed tire materials removed from property owned or controlled by the governmental unit.

(d) The following processors of scrap tires are exempt from the requirement to obtain a permit as required by this rule from ADEM:

1. Registered Class One and Class Two Receivers and permitted transporters who evaluate tires to determine suitability for reuse as used tires or as casings for retreading.

2. Processors described in 335-4-3-.01(1)(b) to (d) that are properly registered and have received the necessary exemptions in 335-4-3-.02.

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335-4-3-.04 Permit Applications.

A facility requiring a scrap tire permit shall submit a complete permit application at least sixty (60) days prior to receiving tire materials for transportation or processing.

(a) Transporters of Scrap Tires. Applicants for a permit to transport tire materials shall electronically submit ADEM Form 538.

(b) Processors of Scrap Tires. Applicants for a permit to process tire materials shall electronically submit ADEM Form 540.

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335-4-3-.05 Issuance Of Permits.

(1) Upon receipt of a complete application ADEM shall issue, renew, modify, or deny a permit for the operations or activities described in the application. If denied, ADEM shall notify the applicant of this determination.

(2) A determination may be made by the Director to deny a permit or to delay consideration of a permit application if the applicant owns or operates facilities within the state that are in substantial or continuing noncompliance with the Act or a permit issued by ADEM, as determined by ADEM, until the noncompliance is corrected or, if the applicant could not comply with the permit if issued. ADEM shall notify the applicant of this determination.

(3) Duration of Permits.

(a) Transporter permits shall be valid for three (3) years.

(b) Limited-use transporter permits shall be valid no longer than ninety (90) days. If a permit is required for longer than ninety (90) days, then the transporter shall apply for a transporter permit as required in 335-4-3-.03.

(c) Processor permits are valid for five (5) years.

(d) Permits are subject to revocation or termination under 335-4-3-.06(c).

(4) Continuation of Expiring Permits. The terms and conditions of an expiring scrap tire permit are automatically extended pending the issuance of a new permit if the owner/operator has submitted a complete application for reissuance of a permit in accordance with 335-4-3-.04 at least sixty (60) days prior to permit expiration, and the delay in permit issuance has not been caused by the actions of the owner/operator. A complete application is one that contains all items required in the permit application and its accompanying instructions, and the items contain enough

information to allow ADEM to conduct a detailed review of the application. Failure to submit a complete application and reapply at least sixty (60) days prior to permit expiration may result in the permit expiration before reissuance.
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335-4-3-.06 Changes To Permits.

Subject to notice, hearing, and appeal rights of the owner/operator, ADEM may transfer, modify, or revoke and reissue a scrap tire permit during its term for cause, including but not limited to, the causes listed in 335-4-3-.06.

(a) Permit Transfers. A permit may be transferred to a new owner or operator only if the permit has been modified or revoked and reissued through electronic submission of a complete application to ADEM utilizing the appropriate ADEM Form and payment of fees in 335-1-6, unless new owner or operator is exempted from the payment of fees by 335-4.

1. If there are no changes in the operation of the scrap tire facility that affects the owner's/operator's ability to comply with the permit and if there are no changes in the design or operation of the facility, the permit may be transferred, provided that all of the following conditions are met:

(i) The current owner/operator and the prospective owner/operator shall electronically submit a complete application to transfer the permit at least thirty (30) days in advance of the change in owner or operator utilizing ADEM Form 330.

(ii) The application shall include a notarized written agreement between the existing and new permittees containing the specific date for transfer of permit responsibilities, coverage and liability.

(iii) Financial assurance requirements of 335-4-8 have been met by the new owner/operator and ADEM has been provided copies of and approved the financial instruments utilized.

2. If the transfer results in changes to the design or operation of the facility, the transfer of ownership may not commence until a new application has been submitted

electronically to ADEM as required by 335-4-3-.04 and the permit has been modified accordingly.

3. All persons having or claiming an interest in the real property where the facility is located shall be notified by the applicant that change of owner/operator has been requested. The permit shall not be transferred until the applicant has provided verification to ADEM that these notices have been received by those persons.

(b) Modification or Revocation and Reissuance of Permits. When ADEM receives information or an application for modification with fees as required in 335-1-6, it may determine whether or not cause for modification or revocation and reissuance exists. ADEM may modify or revoke and reissue the permit accordingly and may request an updated application. The owner/operator shall submit a complete application for modification or revocation and reissuance and shall provide justification of the request and clearly outline what parts of the permit are to be modified. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit may be reissued for a new term. If cause does not exist, ADEM shall not modify or revoke and reissue the permit.

1. The following are causes for modification:

(i) Material and substantial alterations or additions to the permitted facility that occurred after permit issuance.

(ii) Receipt of information not available at the time of permit issuance (other than revised regulations).

(iii) Changes by statute, promulgation of new or amended rules, or judicial decisions.

(iv) Changes to General Permit Provision.

(I) Administrative and informational changes.

(II) Changes to the financial assurance instruments.

(III) Changes to remove permit conditions that are no longer applicable.

(v) Changes to General Facility Standards:

(I) Changes to the amount or volume of tire materials that may be accumulated, stored, or

processed that occur without a change or addition of processing equipment.

(II) Changes in procedures for maintaining the operating record.

(vi) A permit may be modified to correct typographical or technical mistakes associated with establishing permit conditions.

(vii) Other causes for modification not listed in 335-4-3-.06(b)1.(i) to (vi) may be considered by ADEM. The applicant or ADEM must justify why this modification is necessary.

2. Request for modification shall be made at least forty-five (45) days prior to the commencement of alterations or other changes that may affect operation of the facility.

(c) Termination of Permits or Denial of Permit Application. Any of the following are causes for terminating a permit during its term, or for denying an application for permit reissuance:

1. Substantial or continuing permit noncompliance.

2. The owner's/operator's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the owner's/operator's misrepresentation of relevant facts.

3. A change in a condition that requires either a temporary or a permanent cessation of activities controlled by the permit.

4. The owner's/operator's failure to submit a complete application electronically to include additional information or items requested by ADEM.

5. A determination that continued operation of the facility endangers human health or the environment.

6. The owner’s/operator's failure to submit a complete renewal application electronically at least 120 days prior to permit expiration.

7. The owner’s/operator's failure to maintain financial assurance as required in 335-4-8.

(d) Permit Suspension. When an owner/operator is not in compliance with a permit, the Director may suspend the permit

until the permittee has taken the action(s) necessary to achieve compliance with the permit.

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335-4-3-.07 Enforcement Under The Act.

(1) A permit issued by ADEM is a permit for the purpose of the Act and is enforceable under 335-4-1-.04. Violations of the conditions of a permit are subject to one or more of the following enforcement actions under the Act or the Environmental Management Act:

(a) An administrative order requiring abatement, compliance, mitigation, cessation of activity, cleanup, or penalties.

(b) An action for damages.

(c) An action for injunctive relief.

(d) An action for penalties.

(2) An order issued by ADEM shall specify a reasonable time within which compliance shall be achieved.

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