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

CHAPTER 335-4-4
MANAGEMENT OF TIRE MATERIALS

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335-4-4-.01 Accumulation Of Scrap Tires.

(1) No person may accumulate more than 100 scrap tires, except a permitted processor, a person who registers as required in 335-4-3-.01(1), or a permitted SWDF. No person may expose accumulated scrap tires to the elements for more than thirty (30) days.

(2) A Class One Receiver may be registered to accumulate no more than 1,500 scrap tires.

(3) A Class Two Receiver may be registered to accumulate no more than 300 scrap tires. Tire manufacturers are excluded from this limit if the scrap tires are not exposed to the elements.
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335-4-4-.02 Storage Requirements.

(1) Indoor Storage. The amount of tire materials that may be stored indoors shall not exceed the number of scrap tires or weight of processed tire material that can be processed or utilized in a thirty-day period. The facility shall process or utilize tire materials on a first-in, first-used basis. ADEM shall approve the amount of tire materials that may be stored indoors when it issues a facility registration or permit. A Vector Control Plan is required if tire materials containing water are stored indoors.

(2) Outdoor Storage. The amount of tire materials that may be stored outdoors shall not exceed the number of scrap tires or weight of processed tire material that can be processed or utilized in a thirty (30) day period. The facility shall process or utilize tire materials on a first-in, first-used basis. ADEM shall approve the amount of tire materials that may be stored outdoors when it issues a facility registration or permit. All scrap tire facilities that store scrap tires or processed tire material outdoors shall comply with the following technical and operational standards:

(a) Tire materials shall not be stored in the 100-year flood plain, in coastal beaches or dunes, or within 200 feet of a wetland or waters of the state as these terms are defined in 335-13, unless otherwise approved by ADEM.

(b) The maximum dimensions of a tire materials pile shall not exceed:

1. A width of fifty (50) feet.

2. A length of 200 feet.

3. An area of 10,000 square feet.

4. A height of fifteen (15) feet for whole tires or nine (9) feet for processed tire material, unless measures are provided that assures maximum temperature shall not exceed 300° Fahrenheit at a point in the pile.

(c) For piles of tire materials capable of holding water, a Vector Control Plan shall be prepared.

(d) A facility shall arrange for fire protection.

1. If a facility does not provide its own fire protection, the facility shall make arrangements with public or private emergency response personnel that are capable of providing an adequate fire protection system. Documentation of this arrangement shall be submitted to ADEM.

2. The facility shall provide a letter to ADEM from the fire department or fire marshal within whose jurisdiction the facility is located stating that they have reviewed and approved the fire protection system or plan.

(e) An Emergency Response Plan shall be developed prior to initial receipt of tire materials and updated at least annually or upon changes in the operation. The Plan shall contain the following:

1. A list of names and telephone numbers of persons to be contacted in case of a fire, accident or other emergency. Communication equipment sufficient to ensure notification of applicable agencies in case of an emergency shall be maintained at the facility and described in the Plan.

2. A list of emergency response equipment, its location, and how it shall be utilized.

3. Procedures to contain and dispose of tire fire residue.

4. A list of other materials stored on-site that may accelerate or expand a fire, to include location and other necessary precautions to take with these materials.

(f) A 100-foot-wide fire lane shall be placed around the perimeter of tire material piles, and 50-foot fire lanes shall be placed between individual tire material piles, unless otherwise approved by ADEM. Access to the fire lane shall be unobstructed at all times. Potentially flammable vegetation shall be removed if growing within the fire lane.

(g) A berm or other features shall be constructed around tire materials piles to contain liquid runoff from a tire fire.

(h) No operations or activities involving open flames shall be conducted within twenty-five (25) feet of a tire material pile.

(i) Adequate access controls, to include fences, gates, or other means, shall be provided to minimize entrance by unauthorized persons.

(j) An attendant, operator, or some authorized person shall be present at all times when the facility is operating.

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335-4-4-.03 Engineered Uses Of Processed Tire Material.

(1) A person proposing to utilize processed tire material in a civil engineering application shall receive approval from ADEM in writing before initiating the Engineered Use Application as detailed in 335-4-4-.03. Engineered uses shall be in general conformity with the latest edition of "ASTM Standard Practice for Use of Scrap Tires in Civil Engineering Applications" (D 6270-98).

(2) Approved engineered uses of processed tire material include, but are not limited to:

(a) SWDF construction and closure, including:

1. Underdrain layer beneath a liner system.

2. Pipe trenches associated with leachate collection or recirculation, and landfill gas collection systems.

3. The leachate drainage or protective layer above the liner.

4. The drainage layer in the final cover design for closure.

(b) Public works construction, including:

1. Backfill material in an embankment or behind a retaining wall.

2. Subgrade base beneath pavement.

3. Rubber-modified asphalt using crumb rubber.

(c) Drainfield aggregate construction of subsurface sewage disposal systems or drains for groundwater/surface water diversion systems. The tire chips shall be protected from soil infiltration by a synthetic geotextile fabric.

(d) Others as may be approved by ADEM.

(3) The engineered use of processed tire material shall comply with all of the following standards:

(a) Processed tire material shall not be placed or discharged into waters of the state.

(b) The use will not adversely affect human health, public safety or the environment.

(c) Processed tire material shall not be used in a manner that constitutes disposal or is not in compliance with other ADEM regulations.

(d) Tire chips or tire shreds may not be used in an application where the thickness of a layer exceeds nine (9) feet, unless approved by the Department.

(e) Uses approved by ADEM may be subject to approvals, standards or specifications imposed by other persons. The applicant and its engineer shall certify to ADEM that all other approvals or permits have been obtained prior to

submittal of the Engineered Use Application. Approval for use by ADEM does not constitute approval for use by other persons or agencies.

(4) A person proposing to utilize processed tire material in a civil engineering application shall submit to ADEM as outlined in 335-4-1-.03, a complete Engineered Use Application that provides details of the proposed use, and appropriate fees. The design and specifications shall be prepared by an engineer. The Engineered Use Application, ADEM Form 537, shall contain all of the following:

(a) The general location where project activities will take place to include either the ¼, ¼ Section, Township, and Range, or Global Positioning System coordinates, and a legal description of the property. The location shall be shown on a U.S. Geological Survey 7.5-minute quadrangle map.

(b) An affidavit from the property owner acknowledging the use or placement of processed tire material.

(c) Detailed plans and specifications of the engineered use.

(d) The approximate volume or weight of processed tire material to be used.

(e) The approximate periods of time during which the project will be conducted with estimated start and finish dates.

(f) The source of the processed tire material, and how the material will be stored prior to use. If processed tire material that may retain rainfall is to be stored more than seven (7) days and exposed to the elements, a Vector Control Plan shall be included in the application.

(5) The local fire marshal or fire chief shall be notified of the proposed engineered use of processed tire material.

(6) The following uses do not require an Engineered Use Application or notification to the local fire marshal or fire chief:

(a) Use of tire materials in construction or closure of a SWDF.

(b) Use as subgrade base or in rubber modified asphalt when installation is done in compliance with state or federal standards for highway construction.

(c) Use in a domestic on-site sewage disposal system approved by a County Health Department or ADPH.

(7) ADEM shall approve the Engineered Use Application before the activity may proceed. ADEM shall assign a project identification number that shall be used in all correspondence with ADEM.

(8) Following completion of the project, the owner or operator shall submit to ADEM certification signed by an engineer verifying that the project has been completed in accordance with the approved application.

(9) Use of whole tires or tire bales in engineered use applications may be subject to other provisions considered necessary by ADEM, or may require financial assurance for closure of the site.

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335-4-4-.04 Disposal In A SWDF.

A SWDF permitted by ADEM under 335-13 does not have to obtain a new or different permit to accept tires for disposal if tires are an approved waste stream for that SWDF. Additional requirements for SWDF include:

(a) Tire materials transported to a SWDF for disposal shall be placed directly in the landfill cell, unless the materials can be beneficially used, recycled, or further processed, and are managed as described in the SWDF permit and in accordance with 335-13.

(b) A SWDF may remove tires usable as used tires or casings for retreading and shall store the tires in accordance with 335-4-4-.02.

(c) Processed tire material delivered to a SWDF for engineered use shall not be stored within 200 feet of an active landfill cell, and shall be stored in accordance with 335-4-4-.02(2) except that an Emergency Response Plan is not required. There shall be no time limit for storage of processed tire material to be used in this manner.

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335-4-4-.05 Manifests.

All scrap tire receivers, transporters, processors, and SWDF are required to use a written manifest for the movement, shipment, transportation or receipt of scrap tires and processed tire material, except as otherwise provided in 335-4-4-.05.

(a) General Requirements. The manifest shall be originated by the receiver or other person shipping the tire materials and shall identify the quantity of tire materials transported.

1. Each user of a manifest shall be responsible for obtaining the manifest form at their cost from a source producing the form which shall be similar to and contain all the contents in accordance with ADEM Form 536.

2. The manifest shall be a multi-part, carbonless-paper form.

3. For shipments of scrap tires from another state to the State of Alabama, the receiver or transporter may use a manifest approved by the other state if the manifest contains all information required by ADEM.

4. ADEM may accept other documents in lieu of a manifest if the documents contain all information required on the manifest form, meets other requirements in accordance with 335-4-4-.05, and ADEM has approved use of the alternate document in writing.

5. If a person is shipping tires or tire materials that may be exempt from the requirements of 335-4-4-.05, that shipment shall be accompanied by sufficient paperwork and documentation to assure ADEM, its delegated enforcement officers and other law enforcement officers that the shipment is exempt from 335-4-4-.05.

6. A SWDF may receive scrap tires transported by a person permitted as a Solid Waste Collector or Transporter by a County Health Department without requiring a manifest if the tires are collected as part of a routine program of household waste collection. The SWDF may not accept shipments of only scrap tires or scrap tire materials transported by a permitted Solid Waste Collector or Transporter who collects tires at a registered scrap tire receiver unless that person has also received a scrap tire permit to transport scrap tires.

(b) Receiver Requirements. A receiver who transports, or offers for transportation, more than ten (10) scrap tires per

year for off-site processing or disposal shall complete a manifest for each shipment.

1. Class One Receivers are exempt from using a manifest when transporting their own scrap tires from one business location to another or between a customer site and the receiver. Decal requirements for Class One Receivers may be found in 335-4-7-.02.

2. Class One Receivers shall use a manifest when transporting their own scrap tires to a processor or SWDF. Decal requirements for Class One Receivers may be found in 335-4-7-.02.

3. A receiver shall designate on the manifest the next receiver, transporter, processor, SWDF, or final designated facility that will receive the scrap tires described on the manifest. The receiver may designate where or to whom the transporter shall deliver the scrap tires. If a transporter is unable to deliver the scrap tires to the next designated facility, the receiver generating the manifest shall either designate another facility or instruct the transporter to return the scrap tires to the receiver.

(c) Processor Requirements.

1. Processors Receiving Tire Materials.

(i) A processor shall not accept tire materials from a receiver or transporter unless accompanied by a manifest. This regulation applies to all processing facilities receiving tire materials, including permitted processors, registered fuel user, registered manufacturers using tire materials or ground or crumb rubber to make other products, and registered users of tire materials as a substitute raw material.

(ii) A processor may accept scrap tires from an individual scrap tire generator without a manifest, provided the individual is transporting his own scrap tires and delivers no more than eight (8) tires at a time. The processor shall maintain records of receipt of tires from individuals in the Operating Record and shall report those receipts separately when submitting semi-annual reports to ADEM.

(iii) A processor may receive scrap tires without a manifest from recognized non-profit civic organizations, associations or clubs, and state, county or municipal governments who deliver scrap tires resulting from roadside, stream or other

cleanup programs. The processor shall maintain records of receipt of tires from these groups in the Operating Record and shall report those receipts separately when submitting semi-annual reports to ADEM.

2. Processors Shipping Tire Materials.

(i) A processor shall not transport, or offer tire materials for shipment by a transporter, unless that shipment of tire materials is accompanied by a manifest originated by the processor.

(ii) Manifests are not required for a processor to transport tire materials on a public or private right-of-way within or along the border of contiguous property under the control of the processor, even if the contiguous property is divided by a public or private right-of-way.

(iii) Manifests are not required for a processor to ship its final end product produced from tire materials if the end product requires no further processing or is incorporated into another product.

(d) Transporter Requirements. No transporter shall accept tire materials unless that shipment is accompanied by a manifest prepared by the person offering the tire materials for shipment.

1. If the transporter places tire materials from more than one person offering the tire materials for shipment on a permitted vehicle, the transporter shall maintain individual manifests from each person and shall not combine scrap tires from different persons on one manifest except as provided in 335-4-4-.05(d)5.

2. Each shipment of tire materials shall be delivered to the next designated person or facility indicated on the manifest, or to an alternate person or facility designated on the manifest.

3. If the transporter is unable to deliver the tire materials to the next designated person or facility or the alternate person or facility, the transporter shall contact the person originating the shipment who shall either designate another facility or instruct the transporter to return the tire materials.

4. If the person originating the shipment of tire materials does not indicate on the manifest another designated person or facility to accept the tire materials from the transporter, the transporter may

utilize the same manifest when selecting the next person or facility to accept the shipment. The person or facility to which the transporter delivers the tire materials shall complete the manifest according to 335-4-4-.05.

5. If a transporter removes used tires from a shipment accompanied by a manifest, then they shall generate a new manifest to accompany the shipment of the remaining scrap tires. If the shipment of scrap tires contains commingled scrap tires from more than one person or facility, all remaining scrap tires in that shipment are considered to be generated by the transporter. The transporter shall complete an original manifest or manifests according to 335-4-4-.05.

(e) SWDF Requirements.

1. A SWDF shall not accept tire materials from a receiver or transporter unless accompanied by a manifest.

2. A SWDF may accept scrap tires from an individual scrap tire generator without a manifest, provided the individual is transporting his own scrap tires and delivers no more than eight (8) tires at a time. The SWDF shall maintain records of receipt of tire materials from individuals in the Operating Record and shall report those receipts separately when submitting semi-annual reports to ADEM.

3. A SWDF may receive scrap tires without a manifest from recognized non-profit civic organizations, associations, or clubs and state, county or municipal governments who deliver scrap tires resulting from roadside, steam or other cleanup programs. The SWDF shall maintain records of receipt of tire materials from these groups in the Operating Record and shall report those receipts separately when submitting semi-annual reports to ADEM.

(f) Use of the Manifest.

1. All signatures required on the manifest shall be a handwritten signature in ink.

2. The person originating a manifest shall obtain the printed name and signature of the next person accepting the shipment of tire materials on the manifest and retain one copy of the manifest. The remaining copies of the manifest shall accompany the shipment.

3. All subsequent persons accepting shipment of the tire materials shall print their name and sign the manifest and the previous person offering the shipment of tire

materials shall retain a copy of the manifest. The original manifest shall accompany the subsequent shipment to its ultimate destination.

4. Once the shipment of tire materials has reached the final designated facility or SWDF, the manifest shall be signed with their printed name and a copy of the manifest retained by the person accepting the shipment.

5. The manifest shall be made available to ADEM for review upon request.

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