

# Scrap Tire Inspection Standard Operating Procedures



Nebraska Department  
of Environmental Quality

Date Approved: \_\_\_\_\_

Approved by: \_\_\_\_\_

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# Scrap Tire Inspection Standard Operating Procedures

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# **IWM Section Procedure for Conducting Scrap Tire Facility Inspections**

## **Purpose**

This document is the current procedure for preparing for, and conducting Scrap Tire Facility Inspections under Title 136 – Scrap Tire Management Rules and Regulations. The purpose of this procedure is to standardize activities related to scrap tires conducted by NDEQ personnel.

## **Introduction**

Assuring that regulated facilities are in compliance with Nebraska's environmental regulations is one of the department's main objectives. The tools for determining and attaining compliance include inspecting, permitting, and enforcement. Inspections are conducted to make and document observations of current conditions at a regulated facility, and to collect physical evidence as necessary. Conducting inspections in a uniform manner serves several purposes:

- 1) It helps ensure that all facilities will be treated in an equitable manner.
- 2) It protects the department from claims by the regulated community or the public of unfair or arbitrary actions.
- 3) It reduces the likeliness of a Program Specialist being accused of inappropriate behavior.
- 4) It eliminates errors and provides a basis for evaluating the quality of inspections.

This procedure attempts to standardize inspection activities to the greatest extent possible.

An inspector should be familiar with the information on inspections contained in the current NDEQ Enforcement Manual.

## **Overview of the Inspection Process**

The inspection can be divided into three main parts:

- I. Pre-inspection activities.
- II. The actual inspection.
- III. Post-inspection activities.

The first two parts relate almost solely to the inspection. The post-inspection activities relate to the inspection but may include initial enforcement activities. These three parts combined represent a complete inspection.

# **Scrap Tire Inspection Standard Operating Procedures**

## **PRE-INSPECTION FILE REVIEW**

1. Review operating plan and closure plan.
2. Review cost estimate to determine maximum number of each type of tire, tire-derived product, and tire residual that is allowed.
3. Review previous inspections and verify that all violations have been resolved.
4. Review complaint file and legal file to see if there is any information on the facility.
5. Determine which permits are required and review permit conditions for requirements specific to facility.
6. Equipment to take:
  - a. Measuring Wheel / Tape
  - b. Camera / Film or Disks
  - c. Calculator
  - d. Extra Paper or Forms
  - e. Inspection Checklist
  - f. Regulations

## **INSPECTION**

1. Notify facility of inspection upon arrival. (In most cases the inspection is unannounced)
2. Identify yourself; present business card and explain the purpose of the inspection.

### **Records Review**

1. Determine if operating plan, closure plan, and cost estimates are up to date and facility is operating in compliance with them.
2. Review records for receiving tires from permitted haulers or from individuals hauling their own tires. Review records that all tires, tire-derived products, or residuals are taken to permitted or approved sites.
3. Review records for all incoming tires, all out-going tires, tire-derived products and residuals, and for current inventory of tires, tire-derived products, and residuals.

### **Scrap Tire Inventory**

1. Count all tires or measure tire piles if counting is not possible. Enter information on data sheets.
2. Verify tires are stored in manner described in operating plan (ex. Inside, Roll-offs, etc.)
3. Make map of tire piles and number them. Draw shape of tire pile on map.
4. Take pictures of each tire pile making sure that each picture can be matched with the map.
5. Count or measure all tire-derived products in inventory and all scrap tire residuals.

## **Safety and Public Health**

1. Determine if scrap tires meet the State Fire Marshall storing standards.
2. Verify that there is no standing water or vector concerns and review owner's procedures for controlling vectors.

## **Compliance**

1. Determine if facility is in compliance with permit conditions.
2. Determine if facility has all the NDEQ permits that are necessary.
3. Determine if facility has less than 300,000 tires or equivalent weight.

## **POST-INSPECTION**

1. Complete all tire calculations.
2. Determine if the amount of tires, tire-derived products, and residuals are within the maximums allowed in cost estimate.
3. Label all photographs so map and photographs correspond.
4. Put the determination results in the Comments Section of the checklist.
5. Complete checklist, and determine if there are any violations.
6. Prepare No Violations letter (Page 20), Letter of Warning (LOW) (Page 16 & 18), or Notice of Violations (NOV) (Page 14 & 16) letter to facility, using the enforcement manual to determine which is appropriate.
7. If an inspector prepares a letter based on the inspection, the letter should also indicate that further review would be conducted to determine compliance with financial assurance. The Financial Assurance Coordinator should be listed on the letter as receiving a copy of the letter and inspection report with pictures. A determination of compliance with financial assurance involves determining if there is enough money to properly remove and dispose of all scrap tires, tire derived products, and residuals.
8. Send checklist, photographs, and letter to Waste Management Compliance Unit Supervisor for review.
9. After Compliance Unit Supervisor approval, the Section Secretary sends the original signed letter and a copy of the inspection report and pictures to the facility. A copy of the signed letter and the original inspection report and pictures are sent to the file room. The file room indexes the letter, inspection report and pictures into the general file.
10. Target for completion of the inspection report is within 30 days of the inspection.
11. A LOW or NOV must have a response date. Develop a tracking system to record when a response is required. If the violations are not resolved by the response date, the Waste Management Compliance Unit Supervisor will determine if another letter is warranted, or that an enforcement referral to the legal section is necessary. If the violations have been addressed then a Violations Have Been Addressed letter (Page 26) stating that the facility is now in compliance is prepared.

## **Supplemental Information**

### **Definitions**

**Agricultural Purposes** – Shall include the use of scrap tires as bumpers on agricultural equipment, as ballast to maintain covers or structures on the agricultural site, as feeders for livestock, for bank or blowout stabilization, or other uses approved by the director.

**Scrap Tire Bale** – Shall mean a compressed volume of scrap tires that are bound in a geometric shape. Scrap tire bales are counted equal to the number of individual tires the bale consists of. Scrap tire bales will be exempt from counting when they are placed in a genuinely beneficial use that has been approved by the department.

**Crumb Rubber** – Crumb rubber shall mean particulate rubber.

**Passenger Tire Equivalent (PTE)** – The equivalent weight of one passenger tire, which will be 20 pounds for the purpose of estimating scrap tire numbers.

**Scrap Tire** – A tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.

**Scrap Tire Residuals** – Any metals, fabric, or by-product resulting from scrap tires.

### **Re-treaded Tires**

A tire that is not yet re-treaded is a scrap tire until the re-treading process is complete. This determination is based on the premise that until it is re-treaded, the tire is not going to be suitable for its original intended purpose. Tires not yet re-treaded would require proper disposal if the owner abandoned the site, therefore, it must be counted as a scrap tire.

### **Resale of Scrap Tires**

Tires held for resale, however, can be exempt from the scrap tire definition if the tires are stored in a separate designated area and the owner can provide documentation that he is actually selling used tires for their original intended purpose. If in future inspections the tire resale pile is growing and no sales are taking place, the inspector should investigate if the claim that tires are being resold is a sham.

### **Exceptions to Permit Requirements**

1. In addition to the permit requirement exceptions listed in Title 136 – Chapter 4, 002, the Department allows transfer stations, haulers, or anyone else to be exempt from permitting if they are storing tires in one single transportable trailer, roll-off, or container.

#### 002 Exceptions.

002.01 A tire retailer if there are no more than five hundred scrap tires at the retail site;

002.02 The owner or operator of a tire retreading business if there are no more than two thousand scrap tires on the business premises;

002.03 A business which removes tires from motor vehicles if no more than five hundred scrap tires are kept on the premises;

- 002.04 A solid waste disposal area owner or operator holding a permit under the Integrated Solid Waste Management Act with no more than five thousand scrap tires stored above ground at the permitted facility;
- 002.05 A person using scrap tires for agricultural purposes;
- 002.06 A transporter of new or used tires to the manufacturer for warranty adjustments; or
- 002.07 A tire retailer is exempt from permit requirements as a tire hauler if engaged in hauling their own tires.

### **Required Permit**

1. If they have more than one trailer, roll-off, or container, or they have more than 100 tires inside a building or outside and they do not fit any of the exceptions, then they are required to obtain a permit.
2. To determine if a facility requires a permit, it is necessary to count scrap tires. Permit requirements are based on number of tires. Any person with more than 100 scrap tires that do not fit into any exception is required to have a permit.
3. Permitted facilities can not have more than 300,000 passenger tires or the equivalent weight of other scrap tires on site at any time.

### **Financial Assurance**

1. To determine if a facility is in compliance with their permit for financial assurance, it is necessary to convert the number of tires into tons. In order to convert to tons, it is necessary to use the conversion factors and formulas on the attached page.
2. The Title 136 closure plan criteria requires a listing of the maximum inventory of scrap tires and/or tire products that will be collected at the facility at any one time during the operating life of the facility. The Title 136 financial assurance criteria require the closure cost estimate to be based on the maximum number of **passenger tire equivalents** that will ever be maintained at the facility. Passenger tire equivalents are used in the cost estimate because the cost of loading, transporting, removing, and disposing of the scrap tires, tire-derived products, and residuals relies on the weight of these materials rather than the number. Therefore, it is important to know the number of different sizes of scrap tires or the tons of scrap tires, tire-derived products, and residuals on site.

#### For example:

Permitted for 10,500 tires.  
 Financial Assurance for 105 tons.  
 Passenger Tire (20 lbs)       $10,500 * 20 = 210,000 \text{lb} / 2000 \text{lbs} = 105 \text{ tons}$   
 Inspection identifies 5,000 truck tires and 5,500 passenger tires  
 Truck Tires (100 lbs)       $5,000 * 100 \text{ lbs.} = 500,000$   
     $5,500 * 20 \text{ lbs.} = \underline{110,000}$   
    Total       $610,000 / 2000 \text{ lbs.} = 305 \text{ tons}$

- If you convert this to passenger tire equivalents based on 20 lbs. per passenger tire, what he is saying is he will have no more than 105 tons or 210,000 lbs. of passenger tire equivalents on site.
- In this case there are 10,500 tires on site, however, there are 305 tons instead of 105 tons.
- Based on that analysis he is in violation of financial assurance because he does not have enough funds to clean up the scrap tires, even though he is within his limit as far as maximum number of tires on site.



## TIRE PARTICLE CLASSIFICATION

Particulate Rubber	- raw, uncured, compounded, or vulcanized rubber that has been transformed by means of a mechanical size reduction process into a collection of particles, with or without a coating of a partitioning agent to prevent agglomeration during production, transportation, or storage.
Granulated Rubber	- particulate rubber composed of mainly non-spherical particles that span a broad range of maximum particle dimension, from below .425mm (40 mesh) up to 12mm.
Ground Rubber	- particulate rubber composed of mainly non-spherical particles that span a range of maximum particle dimensions, from below .425mm (40 mesh) to 2mm.
Rough Shred	- a piece of shredded tire that is larger than 50mm by 50mm by 50 mm, but smaller than 762mm by 50mm by 100mm.
Tire Chips	- pieces of scrap tires that have a basic geometrical shape and are generally between 12mm and 50mm in size and have most of the wire removed.
Tire Shreds	- pieces of scrap tires that have a basic geometrical shape and are generally between 50mm and 305mm in size.

\*Definitions taken from American Society for Testing and Materials D 6270-98.

## CONVERSION FACTORS (Used in financial assurance calculations)\*\*

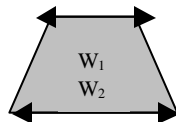
Tire Bale	=	100 passenger tires = 80 truck tires = 1 ton
Tire Fluff Bale	=	600 lbs.
1 Semi Truck Trailer	=	10 – 12 tons
1 Passenger Car Tire	=	20 lbs.
1 Light Truck Tire	=	35 lbs.
1 Semi Truck Tire	=	100 lbs.
1 Implement Tire	=	35 lbs.
1 Tractor Tire (3' – 4' high)	=	150 lbs.
1 Tractor Tire (4' – 5' high)	=	250 lbs.
1 Tractor Tire (Over 5' High)	=	300 lbs.
Off The Road Tire (Heavy Construction Equip.)	=	300 – 500lbs.
1 Cubic Yard Passenger Car Tire	=	10 Passenger Tires = 200 lbs.
1 Cubic Yard Semi-Truck Tire	=	3.5 Truck Tires = 350 lbs.
1 Cubic Yard Solid Rubber	=	1755 lbs.
1 Cubic Yard Ground Rubber	=	1200 lbs.
1 Cubic Yard Loose Tire Chips	=	818 lbs.
1 Cubic Yard Steel Wire	=	850 lbs.

\*\*Note that weights are approximate and may vary

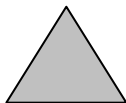
## CALCULATING THE WEIGHT OF A TIRE PILE



$$\frac{(L \text{ (ft)} * W \text{ (ft)} * H \text{ (ft)}) * 10 * 20(\text{lbs}) * 1(\text{ton})}{27(\text{ft}^3) * 2000(\text{lbs})} = \text{TONS OF TIRES}$$



$$\frac{.5(W1+W2) * H * L * 10 * 20(\text{lbs}) * 1(\text{ton})}{27(\text{ft}^3) * 2000(\text{lbs})} = \text{TONS OF TIRES}$$



$$\frac{.5(L \text{ (ft)} * W \text{ (ft)} * H \text{ (ft)}) * 10 * 20(\text{lbs}) * 1(\text{ton})}{27(\text{ft}^3) * 2000(\text{lbs})} = \text{TONS OF TIRES}$$

In the above calculations the factor of **10** represents tire piles consisting of passenger tires only. If the tire piles consist of a significant number of tires larger than passenger tires, substitute a factor of **15** in place of the **10**.

# TITLE 153 – NEBRASKA STATE FIRE CODE REGULATIONS

## Chapter 18 - OUTDOOR STORAGE OF SCRAP RUBBER TIRES

**001. Fire Experience of Scrap Rubber Tires.** Fire experience in outdoor storage of scrap tires reveals a number of concerns, including: the generation of large amounts of black smoke, the fact that the storage is often too close to buildings on the same or adjacent premises causing fires in these exposed buildings, the generation of oil during the fire where the oil contributes to the fire or where the run-off will contaminate the surrounding area, delay in reporting the fire, and the lack of fire fighting capabilities. The fire hazards inherent in scrap rubber tire storage are best controlled by a positive fire prevention program which would include the intent that a fire would be contained to the pile of origin and limiting the exposures to other piles or associated structures.

**002. Fire Prevention - General Requirements.** This regulation applies to outdoor storage of scrap rubber tires where at least 50 scrap tires are stored.

The fire hazard potential inherent in scrap rubber tire storage operations, can best be controlled by a positive fire prevention program. The method of stacking shall be solid piles in an orderly manner and shall include:

**002.01.** Fire lanes to separate piles and provide access for effective fire fighting operations.

**002.02.** Separation of yard storage from buildings and other exposures. Storage or handling of scrap tires shall not be located so as to seriously expose adjoining or adjacent properties in event of fire.

**002.03.** An effective fire prevention maintenance program including control of weeds, grass, and other combustible materials within the storage area. Weeds, grass, and similar vegetation shall be eliminated throughout the entire yard. Combustibles shall be removed as they accumulate.

**002.04.** Smoking shall be prohibited within the tire storage area. Other types of potential ignition sources such as cutting and welding, heating devices, open fires, etc. shall be prohibited.

**002.05.** Suitable safeguards shall be provided to minimize the hazard of sparks from such equipment as refuse burners, boiler stacks, vehicle exhaust, etc.

**002.06.** The topography should be considered since in fire conditions, oil accumulations or runoff can be expected. Scrap tire storage shall be on a level area.

**003. Outdoor Storage of Used Tires.** The storage of used scrap rubber tires shall comply with the following:

**003.01.** All outdoor storage of used tires shall be free from all trash and debris within the site.

**003.02.** The owners/operators of outdoor storage of used tires shall maintain controlled access to the property with only one entrance/exit, and shall install security lighting for use during evening and nighttime hours as designated by the State Fire Marshall.

**003.03.** All outdoor storage of used tires shall have a perimeter security chain link fence of a minimum height of six feet.

**003.04.** All storage of used tires, shredded or un-shredded, shall be separated into individual piles on the property. No pile may exceed 50 feet by 50 feet by 12 feet in height.

**003.05.** In the absence of an available water supply of at least 500 GPM provided by fire hydrants within 1,000 feet of the facility, a minimum of a 10,000-gallon water supply on the site for exclusive use of fire fighting personnel shall be established.

**003.06.** Fire lanes shall be established and maintained having a minimum of forty-five foot lanes capable of supporting fire apparatus, and shall exist between all tire piles.

**003.07.** A minimum of a fifty-foot wide zone around the site perimeter inside the fence line shall be maintained.

**003.08.** All storage piles shall have a minimum of a thirty inch high earthen dike around each tire pile as the piles are established.

**003.09.** A maximum of eighteen tire piles may be established on a single site.

**003.10.** No site may exceed the storage of more than three hundred thousand tires without the approval of the State Fire Marshal.

**Exception:** Where the requirements of 003.04, 003.05, or 003.09 cannot be met, Exposure Protection shall be provided as outlined in Section 004.

## **004. Alternative Method for the Storage of Scrap Tires.**

**004.01.** Means of protecting buildings exposed by burning tire storage may be selected from NFPA 80A, Chapter 3; and separation adjustments may be based on building construction and protective measures as given in Table A, except that the separation should never be reduced below that necessary for fire fighting access.

Table A gives representative separations between exposed building and piles or between isolated piles.

**Table A: Representative Exposure Separation Distances**

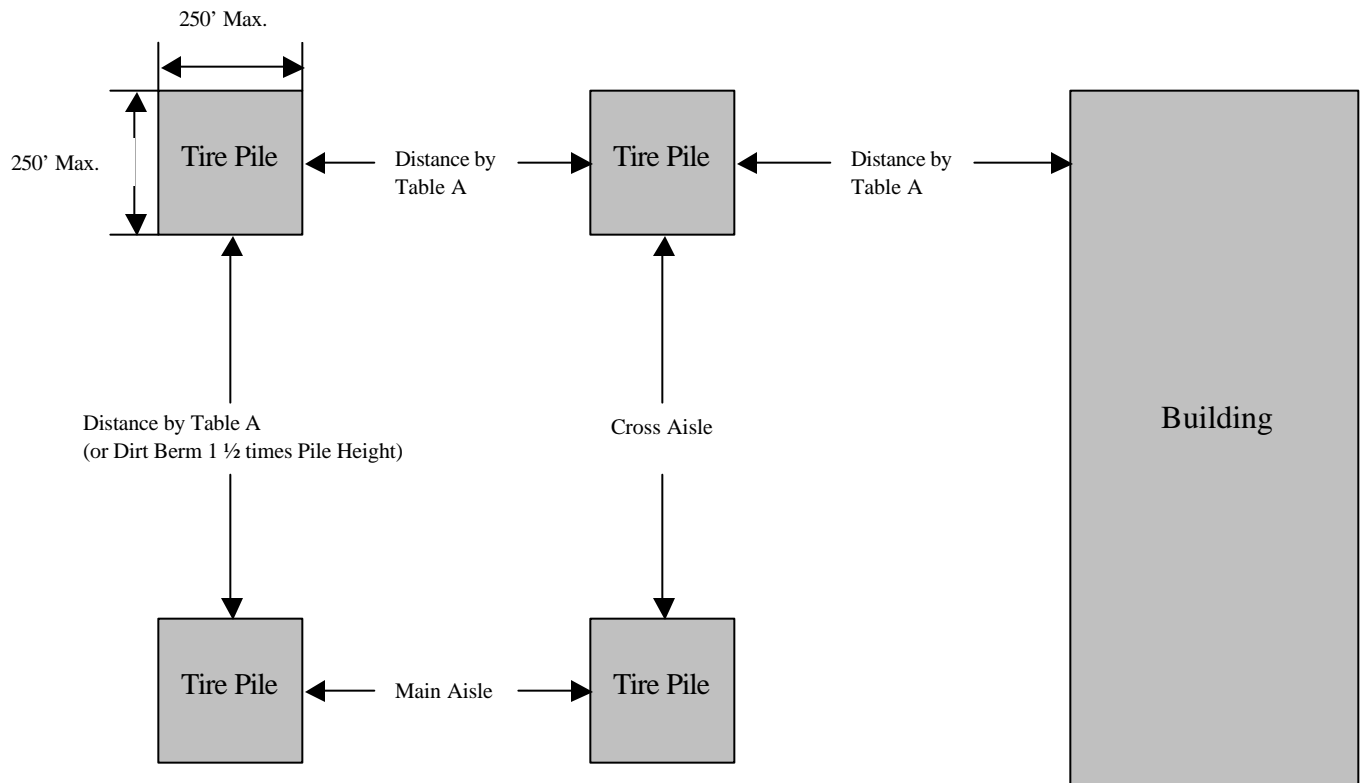
		Tire Storage Pile Height (ft)						
		8	10	12	14	16	18	20
<b>Exposed Face</b>	<b>25</b>	56	62	67	73	77	82	85
<b>Dimensions (ft)</b>	<b>50</b>	75	84	93	100	107	113	118
	<b>100</b>	100	116	128	137	146	155	164
	<b>150</b>	117	135	149	164	178	189	198
	<b>200</b>	130	149	167	183	198	212	226
	<b>250</b>	140	162	181	198	216	231	245

**004.02.** Because of the extensive fire potential expected in scrap tire storage, some form of exposure protection for adjoining properties should be considered. If the clear space as recommended in Table A cannot be provided, provide a dirt berm 1 ½ times the height of the tire storage.

**004.03.** Maximum pile height shall be 20 feet. Pile width and length shall not exceed 250 feet without a separation according to Table A. Dirt berms may be used in lieu of cross aisles in accordance with 004.02. See Figure B.

**004.04.** The fire department shall be consulted for advise on provision of all-weather roadways to and within the storage area. Depending on storage area configuration and size, access obstruction (river, railroad yards), prevailing wind direction, alternative tactics, etc., fire fighting strategy may require one or more aisles to be wider than those described in Figure B.

**004.05.** Pre-emergency planning shall be made with the local fire protection agency so that fire emergencies can be properly handled in the tire storage facility.



**Figure B**

**Sample  
Notice of Violations**  
**(Appropriate for High Priority Violations or Low Priority Violations if voluntary  
compliance not obtained or repeat violations)**

Certified Mail  
Return Receipt Requested

Name of Facility Contact  
Address

RE: Notice of Violation  
Response Required  
Facility Name (if different from name above)

Dear \_\_\_\_\_:

**1. [State facts putting letter in context]**

The Department of Environmental Quality conducted an inspection of your facility on (date) for the purpose of determining compliance with (regulations, permit, order). A copy of the inspection report is enclosed.

**2. [Identify Violations]**

Based on this inspection, your facility was found in violation of the following requirements:

1. (List statutory or regulatory citation and describe the violation)
2. (Example: Title\_\_\_, Chapter\_\_\_, Section\_\_\_. Failure to\_\_\_.)

**3. [Tell violator what needs to be done]**

(If the violations have already been corrected, go to paragraph 4.)

*or*

The Department has determined that the following action must be taken to correct these violations. You are required to complete the following tasks and provide written confirmation to me by the date indicated.

- 1.
- 2.

**4. [Further action]**

These violations are High Priority Violations (or identify which violations are High Priority Violations) and further enforcement action may be considered. Enforcement action may include

issuance of an administrative order or referral to the Attorney General seeking penalties of up to \$\_\_\_\_\_ per day for each violation.

Optional

We have referred this matter to the Department's Legal Division for enforcement consideration.

**5. [Who to contact]**

If you have any questions, please contact \_\_\_\_\_ at (402) 471- \_\_\_\_\_.

Sincerely,

Staff Name  
Title  
Unit or Section

**Sample**  
**Letter of Warning**  
**(Appropriate for Low Priority Violations)**

Certified Mail  
Return Receipt Requested

Name of Facility Contact  
Address

RE: Letter of Warning  
Response Required *or* No Response Required  
Facility Name (if different from name above)

Dear \_\_\_\_\_:

**1. [State facts putting letter in context]**

The Department of Environmental Quality conducted an inspection of your facility on (date) for the purpose of determining compliance with (regulations, permit, order). A copy of the inspection report is enclosed.

**2. [Identify Violations]**

Based on this inspection, your facility was found in violation of the following requirements:

3. (List statutory or regulatory citation and describe the violation)
4. (Example: Title \_\_, Chapter \_\_, Section \_\_. Failure to \_\_.)

**3. [Tell violator what needs to be done]**

The Department has determined that no further action needs to be taken because the violations have been corrected. However, repeat violations may result in enforcement action.

*or*

The Department has determined that the following action must be taken to correct these violations. You are required to complete the following tasks and provide written confirmation to me by the date indicated.

- 1.
- 2.

**4. [Further action]**

The Department will evaluate your prompt compliance with these requirements in determining any further enforcement action.

## 5. [Who to contact]

If you have any questions, please contact \_\_\_\_\_ at (402) 471- \_\_\_\_.

Sincerely,

Staff Name  
Title  
Unit or Section

## NOTICE OF VIOLATION

Certified Mail  
Return Receipt Requested

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: {Purpose of Letter}  
Facility ID #0000  
Permit No. 00-000-0000

Dear {Contact Name}:

This Notice of Violation (NOV) is issued to {Company Name} based upon violations of the Nebraska Environmental Protection Act and Title 136 – Scrap Tire Management Rules and Regulations of the Nebraska Department of Environmental Quality (NDEQ). The violations were identified as a result of your failure to submit a closure plan and closure cost estimate in accordance with Title 136 and adequate financial assurance as requested in the Department's letter dated December 11, 2000, the Letter of Warning (LOW) dated January 23, 2001 and a follow-up letter to the LOW dated May 23, 2001. As of the date of this letter, NDEQ has not received a response to the May 23, 2001 letter. A copy of that letter is attached for your review.

Because the violations are High Priority Violation (HPV) as defined by the Department, formal enforcement action may be referred to the NDEQ Legal Services Section for appropriate action. Such action may include civil penalties pursuant to Neb. Rev. Stat. §81-1508.02.

The basis of this NOV is as follows:

- 1) Failure to submit a closure plan, as specified in Title 136, Chapter 8, 002 and 003;
- 2) Failure to submit a closure cost estimate, as specified in Title 136, Chapter 9, 003; and
- 3) Failure to provide adequate financial assurance (Title 136, Chapter 9, 001)

Please perform the following tasks and submit the required documentation by **October 22, 2001**.

- 1) Violation #1, failure to submit a closure plan in accordance with Title 136: A closure plan was submitted March 7, 2001 that indicates the 1,000 tons of scrap tires generated each year will be removed each year. Title 136, Chapter 8, 003, states that a closure plan shall include:



- 2) A detailed description of the activities required to close the site including removing, processing, transporting, or disposing of all tires, tire-derived products, and other solid waste residuals at the site;
- 3) A description of the facility operation, including the maximum inventory of scrap tires and/or tire-derived products that will be collected at the facility at any one time during the operating life of the facility;
- 4) An approximate date and circumstance relating to when the facility will close;
- 5) The method or means of notifying facility users of the closure of the facility;
- 6) A schedule of the closure procedures and the timetable for completing closure; and
- 7) A description of the post-closure plans for the inactive facility.

The submitted closure plan does not address the criteria of (a-f). Please submit a detailed closure plan that addresses each of the above items. In item (a) please identify all of the types of scrap tires, tire-derived products, and solid waste residuals stored on site and in item (b) please identify the maximum inventory of each type of scrap tires, tire-derived products, and solid waste residuals. Also, identify the final destination and end-use of the scrap tires, tire-derived products, and solid waste residuals that will be removed, processed, transported, or disposed at the time of closure.

- 8) Violation #2, failure to submit a closure cost estimate in accordance with Title 136: A cost estimate of \$100 per ton for removing scrap tires was submitted March 7, 2001 based on your experience.

Please provide details of the breakdown of the costs related to each of the activities identified in the closure plan. The costs must be based on a third-party conducting the activities and must include costs for processing, loading, transportation, and final disposal. A closure cost estimate must also include administrative costs and a contingency cost of 10% of the cost estimate. The cost estimate must be based on the maximum inventory of scrap tires, tire-derived products, and solid waste residuals ever accumulated on site and identify the amounts by each type of scrap tires or tire-derived products

The March 7, 2001 letter indicates tire shredders and trucks have been obtained to remove the tires. Please provide details of the operation to describe how and where the tires are to be processed, loaded, where they will be taken, and the intended final use of the scrap tires, tire-derived products, or solid waste residuals. If the final destination is another scrap tire processor or a disposal site, please provide documentation that the end-user agrees to accept the scrap tires.

- 9) Violation #3, failure to submit adequate financial assurance: A letter of credit in the amount of \$100,000 was issued by Charter West National Bank on March 8, 2001. The letter of credit is an acceptable form of financial assurance and meets the requirements of a financial assurance mechanism, however, based on the April 13, 2001 inspection and the July 10, 2001 inspection, it appears more than 1,000 tons of scrap tires were on site.

NDEQ has conducted two inspections at {Company Name} on April 13, 2001 and July 10, 2001 to determine the number of scrap tires at your facility. Both inspections indicated more than 1,000 tons of scrap tires were on site. The July 10, 2001 inspection

included a determination of scrap tires by actual count for some scrap tires piles and by a formula for some scrap tires piles. After review by NDEQ staff, the formula calculations need to be recalculated to verify their accuracy. Therefore, NDEQ will be conducting another inspection in the near future. Please be aware, however, the closure cost estimate and financial assurance must be based on the maximum inventory of scrap tires on site at any time, and not based on an inspection that occurs at a specific point in time. If any future inspection indicates the number of scrap tires on site is greater than the closure cost estimate and financial assurance, {Company Name} would be considered in violation of the scrap tire permit.

All submittals made pursuant to this NOV should be directed to the following:

William C. Gidley, Section Supervisor  
Nebraska Department of Environmental Quality  
The Atrium, Suite 400  
1200 N Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

Questions or concerns related to the NOV should be directed to Keith Powell at (402) 471-4210.

Sincerely,

David B. Haldeman, Administrator  
Waste Management Division

Enclosure

c: Todd Davis, Eastern Field Office

c: Ruth Johnston, NDEQ

## NOTICE OF VIOLATION

Certified Mail  
Return Receipt Requested

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: {Purpose of Letter}  
Facility ID #0000  
Permit No. 00-000-0000

Dear {Contact Name}:

This Notice of Violation (NOV) is issued to {Company Name} based upon violations of Title 136 – Scrap Tire Management Rules and Regulations, and your Scrap Tire Collection Site Permit. The violations were determined as a result of an inspection conducted by Waste Management Section staff on July 24, 2001 at your facility located near {City}, Nebraska. These violations were identified in a NOV dated September 6, 2001. As of the date of this letter, the Nebraska Department of Environmental Quality (NDEQ) has not received a response the NOV. The violations are repeated below.

Because violation #1 is a High Priority Violation (HPV) as defined by the Department, formal enforcement action may be referred to the NDEQ Legal Services Section for appropriate action. Such action may include civil penalties pursuant to Neb. Rev. Stat. §81-15,162.01.

This is an attempt to gain compliance voluntarily. The specific violations are as follows:

- 1) Failure to control the accumulation of scrap tires so that no more than 300,000 passenger tires or the equivalent weight of other scrap tires will be present at the site at any time (Title 136 – Chapter 6, 004).
- 2) Failure to comply with the approved closure plan (Title 136 – Chapter 8, 002).

Please perform the following tasks immediately and follow up with a written description of your efforts at compliance by **November 1, 2001**.

- 1) Immediately cease accepting any scrap tires until all violations have been addressed.
- 2) Violation #1 - Remove and properly dispose or transport to a permitted facility scrap tires exceeding 300,000 passenger tires or the equivalent weight of other scrap tires at your site.

Provide documentation that the scrap tires are removed and properly disposed at a permitted facility.

- 3) Violation #2 – Remove all of the scrap tire bales that exceed 2,500 tire bales.

Your approved closure plan allows you to collect 2,500 scrap tire bales and 50,000 scrap tires at the site. It has been approved by the NDEQ to utilize 498 scrap tire bales in the road project. NDEQ staff counted approximately 3,657 scrap tire bales at the time of the inspection. Even if the scrap tire bales for the road project are subtracted, there are approximately 659 tire bales over the approved maximum number of tire bales allowed in your permit application.

In addition, please be aware that in accordance with Title 132 a scrap tire collection site permit must demonstrate financial assurance for the maximum inventory of passenger tire equivalents that will ever be maintained at the facility

All contacts made pursuant to this NOV should be directed to the following:

William C. Gidley, Section Supervisor  
Nebraska Department of Environmental Quality  
The Atrium, Suite 400  
1200 N Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

Questions or concerns related to this NOV should be directed to Mr. William C. Gidley at (402) 471-4210.

Sincerely,

David B. Haldeman, Administrator  
Waste Management Division

## LETTER OF WARNING

Certified Mail  
Return Receipt Requested

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: Financial Responsibility Requirements for {Company Name}  
Facility ID No. {00000}  
Permit No. {NE 00-000-0000}

Dear {Contact Name}:

This Letter of Warning is issued to {Company Name} based on a failure to comply with the financial assurance requirements specified in Title 136 - Scrap Tire Management Rules and Regulations, Chapter 9, Section 001 and 003. The Nebraska Department of Environmental Quality (NDEQ) has reviewed the file of the above referenced facility on January 19, 2001, and determined that {Company Name} is in violation of the financial assurance requirements. In accordance with Title 136, Chapter 9, Section 001 and 003, {Company Name} must establish a plan for closure, as well as financial assurance for closure. NDEQ sent a letter to {Company Name} on December 11, 2000, requesting submittal of a closure plan, closure cost estimate and a draft financial assurance mechanism. A guidance document to aid in preparing the financial assurance documents and a copy of the Title 136 regulation was included. The letter requested a response by **January 15, 2001**. As of the date of this letter, NDEQ has not received a response to the December 11, 2000 letter.

This is an attempt to gain compliance voluntarily. The specific violations are as follows:

- 1) Failure to submit a closure plan (Title 136, Chapter 9, 003)
- 2) Failure to submit a closure cost Estimate (Title 136, Chapter 9, 003)
- 3) Failure to submit a draft financial assurance mechanism (Title 136, Chapter 9, 001)

Please perform the following tasks immediately and submit a response to this letter by **February 20, 2001**.

- 1) Submit a closure plan, a closure cost estimate, and a draft financial assurance mechanism for the {Company Name} scrap tire permit.

Failure to comply with the above requirements may result in formal administrative action or referral to the Nebraska Attorney General's Office for civil penalties pursuant to Neb. Rev. Stat. Section 81-1508.02 (\$10,000 per day of violation).

All contacts made pursuant to this Letter of Warning should be directed to the following:

William C. Gidley, Section Supervisor.  
Nebraska Department of Environmental Quality  
1200 M Street  
P.O. Box 98922  
Lincoln, Nebraska 68509-8922

If you have any questions, please call Keith Powell at (402) 471-4210.

Sincerely,

William C. Gidley  
Waste Management Section Supervisor

## LETTER OF WARNING

Certified Mail  
Return Receipt Requested

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: Financial Responsibility Requirements for {Company Name}  
Facility ID No. {00000}  
Permit No. {NE 00-000-0000}

Dear {Contact Name}:

This Letter of Warning is issued to {Company Name} based on the failure to comply with Title 136-Scrap Tire Management Rules and Regulations, Chapter 9. A violation was identified by the Nebraska Department of Environmental Quality (NDEQ) as a result of an inspection conducted on January 30, 2001. The Maximum Inventory Annual Report submitted on August 10, 2000 Landfill indicated 7,500 passenger tire equivalents (PTE's) as the maximum amount of scrap tires ever on site. The inspection indicated that 7,876 PTE's were on site at the facility on January 30, 2001.

This is an attempt to gain compliance voluntarily. The basis of this LOW is as follows:

1. Failure to comply with the conditions or limitations of a permit, specifically Permit Condition # 4 (Title 136, Chapter 9, 003). The permittee shall establish financial assurance based on the maximum number of passenger tire equivalents that will ever be maintained at the facility.

Please perform Option 1 or Option 2 and follow up with a written description of your efforts by **June 25, 2001**.

Option 1. Submit a revised closure plan and closure cost estimate reflecting an increase in the maximum number of scrap tires ever maintained at the facility. This increase should clearly reflect a maximum amount of PTE's ever on site so that this situation does not occur again. NDEQ recommends you increase the maximum amount by 20 % to ensure you have some allowance in inventory fluctuations. The closure plan and closure cost estimate should be written in a format to be attached to the permit application. Please provide instructions to NDEQ to replace the current closure plan and closure cost estimate with the revision.

In addition, please submit a letter of credit amendment to increase the amount of financial assurance equivalent to the revised closure cost estimate. Enclosed is a copy of an Irrevocable Letter of Credit Amendment that will assist you in this process.

Option 2. If you intend to stay within the maximum inventory of 7,500 passenger tire equivalents, you must be able to keep accurate daily records and closely monitor your inventory to ensure you have not reached your capacity. In that case, please submit a certification that your daily records will reflect an accurate account of inventory in the future and you will not exceed the maximum amount allowed at any time.

Failure to comply with the above requirements may result in formal administrative action or referral to the Attorney General's Office for civil penalties pursuant to Neb. Rev. Stat. §81-1509.02 (\$10,000 per day of violation). All contacts made pursuant to this Letter of Warning should be directed to Siew Kour or Keith Powell at (402) 471-4210.

Sincerely,

William C. Gidley  
Waste Management Section Supervisor

Enclosure



{NO VIOLATIONS SAMPLE LETTER}

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: {Purpose of Letter}  
Facility ID #0000  
Permit No. 00-000-0000

Dear {Contact Name}:

On March 5, 2001, Nebraska Department of Environmental Quality (NDEQ) Waste Management Section staff visited your facility to observe operational practices in accordance with Title 136 – Scrap Tire Management Rules and Regulations and to evaluate the status of your efforts in meeting the conditions contained in your permit. Noncompliance with the conditions contained in your permit is a violation of the Nebraska Environmental Protection Act specifically, Neb. Rev. Stat. §81-15,162.01(3). As discussed at the time of our inspection, no violations were identified.

At the time of the inspection there was a question to how many tires you could store on site. I wanted to make it clear that you have financial assurance to store up to **10,000** scrap tires and **100** tons of crumb rubber at any one time. If you exceed these limits you will be in violation of your permit.

If you have any further questions regarding this matter, please feel free to contact Rob Finkral or Kevin Stoner at (402) 471-4210.

Sincerely,

Jeffery L. Edwards  
Waste Management Section

c: Rob Finkral, NDEQ-Northeast Field Office

{VIOLATIONS HAVE BEEN ADDRESSED}

{Contact Name}  
{Company Name}  
{Company Address}  
{City, State, Zip}

Re: {Purpose of Letter}  
Facility ID #0000  
Permit No. 00-000-0000

Dear {Contact Name}:

The Nebraska Department of Environmental Quality (NDEQ) has received your November 29, 2000 letter submitted in response to the Department's November 16, 2000 Letter of Warning (LOW). The LOW identified violations determined as a result of a compliance evaluation inspection conducted by Waste Management Section staff on November 1, 2000 at your facility. Based upon a review of the information you have provided, steps have been taken to address and resolve these violations. Therefore, no further action is anticipated by the Department at this time with regard to those issues.

If you have any further questions regarding this matter, please feel free to contact Kevin Stoner at (402) 471-4210.

Sincerely,

Jeffery L. Edwards  
Acting Compliance Unit Supervisor  
Waste Management Section