

COMMON SCRAP TIRE VIOLATIONS

Guidance

INTRODUCTION

This index is organized into categories of registration application deficiencies and violations common to scrap tire collection sites and scrap tire haulers. The following categories are not listed by severity or frequency of findings. The violations or deficiencies have been identified either during scrap tire collection site or scrap tire hauler inspections, or upon review of registration applications, by Michigan Department of Environmental Quality (DEQ), Waste Management and Radiological Protection Division (WMRPD) staff. This is not a comprehensive list of all requirements that staff look for while doing inspections or reviews.

The scrap tire requirements are found in [Part 169](#), Scrap Tires, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

If you are looking for specific information about a facility's compliance history, contact the WMRPD [District Office](#) that oversees the area where the facility is located. Go to the [Scrap Tire Program](#) for scrap tire regulations, collection site and hauler lists, and other information.

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REGISTRATIONS

By January 31 of each year, each scrap tire collection site or portable shredding operation, or both, and each scrap tire hauler, must register with the DEQ. Registrations must be on a current form supplied by the DEQ and include all of the information indicated. The following are common deficiencies in both collection site and hauler registration applications [Sections 324.16904 and 324.16905].

Common Registration Deficiencies include:

Failure to register as a [Scrap Tire Collection Site](#) or a [Scrap Tire Hauler](#) using the current registration form, by January 31 of each year.

For scrap tire collection sites:

- Failure to provide proof of ownership of the site. Only warranty deeds or land contracts are acceptable.
- Failure to provide a \$200 registration fee with the collection site application.
- Failure to provide all of the required information on the registration application form.
- Failure to provide a site map delineating the tire storage area(s). If 2,500 or more tires are stored, the site map must be certified by a professional engineer or licensed surveyor.
- Failure to provide sufficient bonding for the site.

For scrap tire haulers:

- Failure to list a compliant collection site, a disposal area licensed under Part 115 of the NREPA, a location that has legally accumulated tires below the regulatory threshold for qualifying as a collection site, an End-User, a scrap tire processor, or a tire retailer, as the final destination of the scrap tires.
- Failure to provide a list of all vehicles that will be used in the transporting of scrap tires.
- Failure to provide all of the required information on the registration application form.

RECORDKEEPING VIOLATIONS

Scrap tire retailers, generators of scrap tires, End-Users, and haulers are required to maintain proper scrap tire transportation records, commonly referred to as manifests for the tires they generate, transport, or dispose [Sections 324.16905 and 324.16906].

Common violations:

For retailers:

- Failure to maintain complete records that indicate the number and final destination of the scrap tires.
- Failure to maintain these records for 3 years, and;
- Failure to make them available upon request of a DEQ representative or a peace officer.

For scrap tire haulers:

- Failure to use an approved manifest, either [form EQP 5128](#) or form EQP 5128 along with the Consolidated Load Scrap Tire Transportation Record [form EQP 5128a](#) must be used.
- Failure to maintain manifests for 3 years and failure to make them available upon request of a DEQ representative or a peace officer.
- Failure to possess a complete original manifest for every generator whose scrap tire load is transported.
- Failure to provide the generator and/or the final disposal site with a complete manifest.

Additional hauler violations:

- Failure to ensure that all vehicles used to haul scrap tires contain a copy of the current year hauler registration.
- Failure to visibly display the hauler registration number on all scrap tire hauling vehicles.
- Failure to deliver scrap tires to a registered scrap tire collection site or other compliant disposal site that is indicated on the manifest.

For a person, other than a solid waste hauler or scrap tire hauler who receives scrap tires, including an End-User:

- Failure to maintain a record of all scrap tires received from a scrap tire hauler.
- Failure to maintain records for 3 years and failure to make them available upon request of a DEQ representative or peace officer.

For a disposal location:

- Failure to provide a copy of the signed record to the person delivering the scrap tires.
- Failure to forward a copy of the signed record to the generator within 30 days.

For a retreader:

- Failure to maintain records for 3 years, and make available upon request to the DEQ or a peace officer at reasonable hours.
- Failure to keep all records required to be carried or maintained with the retreader's tire casings including:
 - Failure to have a retread work order, and;
 - Failure to have a work order sales report that specifies the work process detail for the customer work order, and;
 - Failure to return the report to the customer with the work order number and invoice, and;
 - Failure to have an invoice stating the sales transaction of the retread process that was completed for the customer.

STORAGE VIOLATIONS

Scrap tire collection sites are required to store tires in accordance with Sections 324.16903 and 324.16903(c).

Common violations:

For outside scrap tire storage of 500 to 2,499 tires:

- Failure to ensure that only scrap tires are stored in the designated tire storage area.
- Failure to store scrap tires in piles that are in compliance with the 200 by 40 feet by 15 feet high maximum allowable pile dimensions.
- Failure to maintain minimum distances; 60 feet from a building, 20 feet from a property line, or 30 feet from other tire piles.
- Failure to limit mosquito breeding by either covering the scrap tires, chemically treating for mosquitoes, baling or shredding, or chipping tires into pieces no larger than 4" X 6" and storing in piles that allow complete water drainage.
- Failure to isolate scrap tires from other materials that may create hazardous products if there is a fire.
- Failure to keep scrap tires out of the open spaces between tire piles or using scrap tires to construct on-site roads.
- Failure to ensure that tire piles are accessible to firefighting equipment, or failure to obtain a variance from the local fire department that allows for alternative storage.
- Failure to ensure that employees are trained in emergency response operations.

Sites that store 2,500 or more scrap tires include:

In addition to the above, common violations at collection sites that store 2,500 or more scrap tires include:

- Failure to enclose the scrap tire storage area with an earthen berm and a fence with lockable gates.
- Failure to maintain a site with sufficient drainage to prevent standing water.
- Failure to properly maintain site access roads so they are passable at all times to firefighting equipment.
- Failure to control vegetation.
- Failure to post an emergency procedures plan.
- Failure to ensure that the site does not exceed the maximum volume authorized for the site.

Sites that accumulate 100,000 or more scrap tires.

In addition, a common violation at collection sites that accumulate 100,000 or more scrap tires includes:

- Failure to ensure that scrap tires are being processed at the site.

BONDING VIOLATIONS

Except as provided for in Section 324.16903(5) and 324.16903b, a person who owns a collection site shall maintain a bond in favor of the DEQ. The amount of the bond shall be not less than the sum of \$25,000 per quarter acre, or fraction thereof, of outdoor tire storage area, and \$2 per square foot of tire storage area in a building. However, for collection sites with fewer than 2,500 tires, the bond shall not exceed \$2,500. If required, bonding may be provided by cash, a [Certificate of Deposit](#) (PDF), a [Letter of Credit](#) (PDF), or by [Performance Bond](#) (PDF) from a surety company licensed to do business in the state of Michigan.

Common violations:

1. Failure to maintain or provide the DEQ a sufficient bond for the collection site as outlined in Section 324.16903(4).
2. Failure to submit proper documentation e.g., a proper site map. For a site with more than 2,500 scrap tires, including on the map where any vehicles containing tires are stored, the site map must be prepared by a professional engineer or licensed surveyor*. The site map must match the bond documents.

*The site map must include dimensions and boundaries of tire storage area to be used, type of storage area (whole, shredded, chips, etc.), bonded areas, and type of bonding to be used (building and/or acreage). The site map must also depict any area(s) that is exempt** from bonding and the dimensions and boundaries of the area(s) (note that qualifying commodity storage areas require that a certification be submitted to the Department). A qualifying commodity storage area certification must be attached, if applicable. The number of vehicles and their location on the site must be indicated on the site map even though these vehicles are exempt from bonding. A site map must be provided with the application each year even if the storage area(s) have not changed.

**Bonding Exemptions -- In order for a site to qualify for the Section 324.16903(5) bonding exemption, the material stored at a site must meet the definition of a commodity, as defined in Section 324.16901(1)(e). The commodity must be stored in accordance with Section 324.16903(1) storage requirements and not less than 75 percent of the commodity must be removed from the site to a market each year. The storage area(s) cannot be larger than 1 acre in size and the storage area(s) must be indicated on a survey provided by a registered professional engineer.

To meet the Section 324.16903b bonding exemption, a collection site must: (a) process tires; (b) ensure that not less than 75 percent of the scrap tires, by weight or volume, that are stored at the collection site each calendar year are recycled or used for resource recovery during that year; and (c) the collection site must have been in compliance with the site requirements for at least 1 year.

This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.