



west virginia department of environmental protection

Division of Water and Waste Management
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

Revised February 3, 2021

APPLICATION FOR A WASTE TIRE PROCESSING PERMIT

DEFINITION

A "Waste Tire Processing Facility", as defined by 33CSR5 Subsection 2.23., means "a solid waste facility or manufacturer that accepts waste tires generated by sources other than the owner or operator of the facility for the processing by such means as cryogenics, pyrolysis, pyroprocessing, cutting, splitting, shredding, quartering, grinding or otherwise breaking down waste tires for the purposes of disposal, reuse, recycling or marketing."

REQUIREMENT

33CSR5 Subdivision 3.2.a., "Waste Tire Monofill and Waste Tire Processing Facility", requires that a permit must be obtained from the Secretary prior to the installation, establishment, construction or operation of a waste tire processing facility. Provided, That a portable tire grinder or tire shredding machine shall not constitute a waste tire processing facility unless otherwise determined by the Secretary.

INSTRUCTIONS

All applications for a Waste Tire Processing Facility Permit shall complete this application by providing, at a minimum, all of the information required hereafter. Two copies of the completed application shall be submitted to:

Department of Environmental Protection
Division of Water and Waste Management
Solid Waste Management
601 57th St. SE
Charleston, WV 25304

Unless otherwise approved by the Secretary in writing, all applicants for a waste tire monofill storage cell, salvage yard or waste tire processing facility or waste tire processing activity shall comply with the requirements of the West Virginia Code Chapter 22, all applicable rules promulgated thereunder, the requirements of 33CSR5 "Waste Tire Management Rule" and 33CSR1 "Solid Waste Management Rule".

Promoting a healthy environment.

I. PERMIT APPLICATION REQUIREMENTS

- A. Attach a copy of the Certificate of Need (CON) from the Public Service Commission of West Virginia.
- B. Attach a copy of the Certificate of Siting Approval from the county or regional solid waste authority as provided in W.Va. Code §22C-4-25. Recycling facilities do not require a Certificate of Siting Approval.
- C. Attach a copy of the approval letter from the Division of Culture and History (33CSR1 Subdivision 3.7.i.).
- D. Attach a copy of the Lands Inquiry Response from the Wildlife Resources Section of the Division of Natural Resources (33CSR1 Subdivision 3.7.i.).
- E. Attach a copy of the publication of the pre-siting notice (33CSR1 Subsection 3.4.).
- F. Provide proof of the applicant's liability insurance for the proposed facility.
- G. Describe the type of bonding and financial assurance. (33CSR1 Subsection 3.13.).

II. GENERAL INFORMATION

- A. Name, title, company name, address and telephone number of the applicant
- B. Name, title, company name, address and telephone number of the authorized agents of the applicant
- C. Name, company name, address, telephone number, and the West Virginia registration number of the professional engineer responsible for the design of the proposed facility
- D. Site location
 - 1. Facility name, address, and telephone number
 - 2. Description of the location
 - 3. County
 - 4. Nearest town
 - 5. Latitude and longitude of the center of the proposed site
 - 6. The number of site acres and the number of acres in the disposal areas
 - 7. Nearest linear distance in feet from a perennial stream and public highway
- E. Submit a United States Geological Survey (USGS) topographic map or portion thereof. The USGS map needs to show the location of the site and property boundaries of the anticipated site extending at least one (1) mile in all directions of the site boundaries. The USGS location map, at a scale of 1" = 2,000', needs to include the name of the quadrangle and the last revision date on the quadrangle
- F. Planned life of facility in years
- G. The local zoning ordinances

III. ENGINEERING REPORT

Provide detailed drawings, specifications, maps, and narratives, as necessary, signed and sealed by a professional engineer registered in West Virginia, for review, and include.

- A. Site plan map. Provide the following information, at a minimum, on a topographic map of the site at an appropriate scale submitted in accordance with the requirements of 33CSR1 Subdivision 3.7.f. "Visuals" and 33CSR1 Paragraph 3.8.a.12..
 1. Property lines of the facility
 2. Adjacent property owners
 3. Existing and proposed elevation contours
 4. Buildings and appurtenances (note: detailed drawings of structures may also be required)
 5. Location and extent of construction to be accomplished
 6. Fences, gates, roads, parking areas and loading areas
 7. Drainage and culverts
 8. Storage facilities or areas
 9. Direction of prevailing winds
 10. Location of all surface water features, including, but not limited to, streams, lakes, impoundments, springs, the 100-year floodplain, potable wells, surface water bodies, wetlands, and drainage swales
 11. Wastewater and/or leachate control structures
 12. All right-of-ways and easements (indicate ownership)
 13. All powerlines and pipelines (indicate ownership)
 14. All utilities (indicate ownership)
- B. Weigh Scales. The site plans need to show the location of the weigh scales on site that are certified by the West Virginia Department of Labor, Weights and Measures Section. All waste entering the facility must be weighed (33CSR1 Subparagraph 3.16.c.1.E.).
- C. Proposed structures. The site plans need to show all proposed structures and areas designed for unloading, sorting, storage and loading, including dimensions, elevations and, if necessary, floor plans of these structures or areas and the general process flow (33CSR1 Subparagraph 3.9.b.2.C.).
- D. Surface water management and erosion/ sediment control (33CSR5 Paragraph 3.10.a.4. and 33CSR1 Paragraph 4.5.b.4., "Run-off Control System")
 1. Provide on the site plans the location of proposed, on-site erosion/ sediment control structures with accompanying details.
 2. Provide on the site plans the location of proposed, on-site surface water diversion ditches, impoundments and other permanent sediment control structures and accompanying details.

3. Provide a written plan to describe the maintenance of the surface water diversion ditches around the facility.
 4. Obtain, if necessary, an NPDES stormwater permit from the Solid Waste Management Unit to authorize the discharge from any on-site sediment control structure.
- E. A map showing current land use of the proposed site
1. Is there mineable coal beneath the proposed site? If yes, explain why you believe the proposed facility would not be affected by mining activities.
 2. Does the owner/operator of the proposed site own the mineral rights? If not, provide the names and addresses of the owners of the mineral rights.
- F. Vicinity map. At a minimum, provide the following information on a topographic map of the site and the adjacent areas within fifteen hundred (1,500) feet of the facility boundaries. The map shall have a minimum scale of one inch equals two hundred (200) feet, unless such items are instead shown on the 7.5 minute USGS topographic map.
1. Access roads
 2. Existing and proposed utilities
 3. Location and identity of impoundments, streams and water supplies on the proposed site and all adjacent sites
 4. Location of the 100-year floodplain(s), oil or gas wells, underground or surface mines
 5. Zoning and land uses, airports, bridges, railroad, historic sites, schools, churches, residences, and other existing and proposed man-made or natural features
- G. Grade. No portion of the surface of the ground on which waste tires or tire derived material is stored may be less than two (2) percent or greater than eight (8) percent in grade (33CSR5 Subdivision 3.5.b.).
- H. Provide the planned life of the facility in years supported by calculations.
- I. Wastewater and/or leachate collection, storage, treatment, and disposal systems. Show on the site plans all wastewater and/or leachate collection, storage, treatment, and disposal systems, including equipment and facility wash bays or facilities (NPDES permit required).
- J. Groundwater Protection Plan. All applicants for a waste tire monofill or storage cell, salvage yard, waste tire processing facility or waste tire processing activity shall submit a groundwater protection plan in accordance with 47CSR58 as part of the application (33CSR5 Subdivision 3.3.f.).
- K. Submit a plan and/or a written description, as necessary, of the ventilation systems that will be used in enclosed areas.

- L. Safe Access for Passenger Vehicles. The site plans need to show that there will be safe access for passenger vehicles where public access to the facility is required. Submit an accompanying written description.
- M. Perimeter Security. A waste tire processing facility or activity must be secured and enclosed within a minimum six (6) foot high, woven wire or chain link perimeter fence with three (3) strands of barbed wire on top with a lockable entrance gate and an emergency exit gate (33CSR5 Subdivision 3.5.a.).
- N. Equipment. Provide a written description of the equipment to be used on site, including:
 - 1. Stationary equipment layout, installation and specifications
 - 2. Vehicular equipment descriptions
 - 3. Safety equipment descriptions
 - 4. Ancillary equipment
- O. Location of Storage Piles. Waste tire and tire derived material storage piles at the proposed facility or activity must be shown on a map in sufficient detail including the length, width and height of each storage pile and the location and dimension of all fire lanes/ fire breaks and buffer zones (33CSR5 Paragraph 3.5.e.4.).
- P. Size Restriction on Waste Tire Storage (33CSR5 Paragraph 3.5.e.3.)
 - 1. Waste tire storage piles may not exceed a maximum dimension of fifty (50) feet wide by fifty (50) feet long by fifteen (15) feet in height. A minimum of a fifty (50) foot wide zone around each pile shall be maintained free of all debris and vegetation at all times. The facility shall not exceed a maximum of eighteen (18) piles of tires or tire derived material.
 - 2. In the absence of an available water supply of at least 500 gallons per minute provided by fire hydrants within 1,000 feet of the facility, a minimum of 10,000 gallon water supply on site for the exclusive use of firefighting personnel shall be established.
- Q. Spacing of Storage Piles (Fire Lane/ Fire Break). Waste tire and tire derived material storage piles must have a minimum fire lane/ fire break spacing of fifty (50) feet between piles at the base and fifty (50) feet from buildings or other structures at the base. Fire lanes/ fire breaks must be maintained free of any obstructions at all times so that emergency firefighting equipment will always have access in the event of an incident (33CSR5 Paragraph 3.5.e.5.).
- R. Buffer Zone. A buffer zone of fifty (50) feet wide minimum shall be provided between the perimeter fence and any storage piles. The buffer zone must be kept clear of weeds, trees, vegetation, debris or other materials that may restrict access to all portions of the facility by emergency firefighting equipment (33CSR5 Paragraph 3.5.e.6.).

- S. Flow Diagram. The applicant shall provide a flow diagram and a narrative description of the operation and activities involving the flow of the waste tires from their receipt, processing into tire derived material, storage and transport to market (end use). There must be sufficient explanation in the flow diagram and narrative descriptions to explain the complete flow of the proposed facility's operation and activities (33CSR5 Subdivision 3.3.d.).
- T. Facility Closure Plan. All applicants must submit a closure plan in the permit application (33CSR5 Paragraph 3.10.a.5.).
- U. Stormwater. Stormwater and surface water drainage must be directed away from the facility or activity in a manner consistent with state water quality standards (33CSR5 Subdivision 3.10.b.).
- V. Sediment and Erosion Control Structures. Sediment and erosion control structures shall be installed and maintained, as necessary, during closure (33CSR1 Paragraph 4.5.b.3.).
- W. Closure Requirements for a Waste Tire Processing Facility (33CSR5 Sub-section 3.10.)

Closure of a Waste Tire Monofill/ Storage Cell or Processing Facility/ Activity. If a facility or waste tire activity cease operations, or be required to do so by any agency, all of the requirements of 33CSR1 Section 6 shall be complied with, as applicable, including, but not limited to the requirements of the following:

1. Removal of Miscellaneous Materials. All miscellaneous waste materials including, but not limited to, wheel rims, hubcaps, paper, trucks, trailers, containers, machinery and other items or debris remaining at the facility at closure shall be removed and taken to a solid waste facility approved by the Department of Environmental Protection for reuse, recycling and/or disposal as provided in 33CSR5 Subdivision 3.9.a..
 2. Security During Closure. All trucks, trailers, containers, structures and machinery shall be secured until removed.
 3. Revegetation. All disturbed ground shall be graded, mulched and seeded.
- X. All topsoil within the facility construction limits shall be salvaged and seeded. The topsoil shall be stored within the property boundaries for use in the facility closure (33CSR5 Paragraph 3.7.a.9.).
 - Y. Provide a regional map, or maps, that delineate: the entire service area of the proposed facility, both existing and proposed; existing and proposed collection, processing, and disposal operations; location of the closest population centers; and all transportation systems. General highway county maps from the West Virginia Department of Highways are acceptable.

IV. ADDITIONAL REQUIRED INFORMATION

In the report include narratives, as necessary, for review, to completely describe the following:

- A. **Projected Maximum Quantity/ Tonnage Information.** Submit a written plan to describe the proposed annual quantity/ tonnage of waste tires and tire derived material to be received, processed and stored at the processing facility/ activity. The maximum quantity/ tonnage received, processed and stored at any given time may not exceed a projected (quarterly) three month supply. However, if the applicant can verify a market or an end use for the tire derived material by copies of signed contractual agreements, the applicant may be eligible, if approved by the Secretary in writing, to receive, process and store at any given time up to a six (6) month supply: Provided, That no more waste tire derived material shall be received at the facility until the previous maximum quantity/ tonnage allowed by the Secretary to be received, processed and stored has been removed from the facility for marketing (33CSR5 Subdivision 3.3.b.).
- B. **Market Analysis Information.** A market analysis relating to waste tires and tire derived material must be submitted with the application that includes information required by 33CSR5 Subdivision 3.3.c.
 1. **Identification of Potential and Verified Markets.** Provide a listing of specific information utilized by the applicant to identify potential and verified markets for the material to be received and processed at the facility.
 2. Information supplied must also include any material quality requirements of the potential market contacts, market pricing structures, as available and applicable, and the identification of marketing services available for assistance in product quality or material preparation and transportation.
- C. **Emergency Response Plan.** An emergency response plan must be included in the application that includes, at a minimum, the following information (33CSR5 Subdivision 3.3.e.):
 1. **Notification Procedures.** The application shall include a notification procedure to summon emergency assistance from the local police departments, fire departments, Department of Environmental Protection (Department) and state or local emergency response teams. This procedure must be posted at the facility's office in a conspicuous location and at the main entrance gate visible and legible to the public.
 2. **Fire Plan.** The application shall include a written fire plan with a description of the procedures to be implemented, detailed map depicting the location of existing and/or proposed fire hydrants, water supply lines, fire extinguishers or fire ponds if no fire hydrants are to be included in the facility operation or activity, and any other proposed fire control equipment. The fire plan must be designed to effectively control a worst case scenario tire fire which could occur at the facility.

D. Storage Plan for Waste Tire and Tire Derived Material. The storage plan (33CSR5 Paragraph 3.5.e.) must address the receiving and handling of waste tires and tire derived material at, to and from the facility. At a minimum, the storage plan must address the following items:

1. Storage Requirements. The facility or activity must be designed to receive, process and store a quantity/ tonnage of waste tires and tire derived material in accordance with the provisions of 33CSR5 Subdivision 3.3.b. "Projected Maximum Quantity/ Tonnage Information". Include in the application calculations necessary to determine the quantity/ tonnage.
2. Other Solid Waste Materials. All miscellaneous solid waste materials generated as a result of operations must be properly disposed at an approved solid waste facility within one week after being received and/or generated at the facility.

E. Vector Control Plan. A vector control plan shall be submitted that includes the information required by 33CSR5 Subdivision 3.5.f..

Methods of Vector Control. Include a description of how storage piles and any fire pond impoundment will be maintained to prevent and/or control mosquito breeding and harborage of disease carrying vectors. Also, effective means must be taken to control flies, rodents, insects and other vectors and insects. Methods of acceptable vector control may include, but are not limited to, the following:

1. Covering of storage piles by plastic sheets or other impermeable barriers, other than soil, may be used to prevent the accumulation of precipitation in whole tires
2. Chemical Treatment to eliminate harborage or breeding may be utilized: Provided, That any chemical treatment program utilized as part of the vector control plan must be approved by the West Virginia Department of Agriculture

F. Operation and Maintenance Manual. The manual must contain general design information, detailed operational information and instructions. In addition the manual must list the specific procedures and planned frequency for monitoring, sampling/ analyzing, and recordkeeping.

G. Provide a written description of all outside storage areas including size and storage capacity.

H. Provide a written description of all activities to be located within a closed building or within a covered area. If the area is to be used as a storage area, sufficient area must be provided to store incoming material and material to be transported.

- I. Provide a written description of the proposed provisions for year round maintenance of roadways.
- J. Submit a written explanation how unwanted solid waste will be removed from the facility on a daily basis, if applicable (33CSR5 Paragraph 3.10.a.1.).
- K. Submit a detailed, written description of the source, quality, quantity, and type of waste anticipated to be received at the proposed facility (33CSR1 Paragraph 4.4.a.8.).

V. OPERATIONS PLAN

Unless otherwise approved by the Secretary in writing, no person may operate a waste tire monofill, processing facility or waste tire processing activity that does not conform to an approved plan of operation and the following (33CSR1 Subdivision 4.4.c. "Operations"):

- A. Schedule of operation. Include in the Operations Plan a schedule of operation, including the days and hours that the facility will be open, preparations before opening, procedures to be followed after closing for the day, and preventive maintenance schedule for machinery and facility housekeeping.
- B. Personnel. Include in the Operations Plan a general list of personnel who will be on duty during operating and/or receiving hours and particularly when mechanical equipment is in operation at the facility.
- C. Fire protection program. Describe in the engineering report the fire protection program and suppression equipment to be available at the facility.
- D. Access Roads. All access roads including fire lanes/ fire breaks and the buffer zone must be designed and constructed for all-weather conditions with proper storm drainage provisions (33CSR5 Subdivision 3.5.c.).
- E. Access Flow and Traffic Control:
 - 1. Access Control (33CSR5 Subdivision 3.5.d., "Access Flow and Restrictions"; 33CSR5 Subdivision 3.5.a., "Perimeter Security"; and 33CSR5 Paragraph 3.7.a.6.):
 - a. The facility shall be designed in a manner that restricts unauthorized access.
 - b. Provisions must be made to secure the facility from theft, vandalism and fire, which may include posting a security guard during non-operational hours if so directed by the Secretary.
 - c. Access to the processing facility must be restricted through the use of fencing (woven wire or chain link), not less than six (6) feet in height with three (3) strands of barbed wire on top.
 - d. The main entrance gate and emergency exit gate must be kept locked when an attendant is not on duty.
 - e. A supervisor must be on duty at the facility at all times while the site is open.

2. Traffic Control (33CSR1 Subdivision 4.4.c. "Operations" and Subdivision 4.4.c. "Design")
 - a. Signs shall be posted at the main entrance gate that directs persons entering the facility, during regular business hours, to report to the site office.
 - b. Traffic lights shall be installed as necessary.
 - c. Other traffic control devices shall be installed, as necessary.
 - d. Traffic flow patterns shall be established.

- F. Safety plan. Submit a Safety Plan that includes:
 1. Training of equipment operators and other personnel concerning the operations of the facility
 2. Personal protective clothing and equipment required to be worn by personnel

- G. Contingency plans. Submit Contingency Plans that detail the following:
 1. Corrective/remedial action to be taken in the event of equipment breakdown
 2. Air pollution (odors)
 3. Unacceptable waste delivered to the facility
 4. Groundwater contamination
 5. Spills
 6. Undesirable conditions such as fires, dust, noise, vectors, lack of a market for the product
 7. Unusual traffic conditions

- H. The application must address all activities to be conducted at the proposed facility (33CSR1 Subsection 4.4. "Operating Record").

- I. Recordkeeping Requirements for Waste Transporters (33CSR5 Subdivision 3.12.b.). Submit a summary of the methods of record keeping for the facility's daily logs. All records shall be retained by the waste tire transporter for a period of not less than three (3) years. Waste tire transporters must keep records which include:
 1. The name, address, and telephone number of the retail tire dealers
 2. The number of whole waste tires transported from the retail tire dealers business locations by the waste tire transporter
 3. Name, address, and telephone number of the permitted site or facility to where the whole waste tires were transported by the waste tire transporter.

VI. ADDITIONAL REQUIREMENTS

- A. Unless otherwise approved by the Secretary in writing, all applicants for a waste tire monofill, storage cell, salvage yard or waste tire processing facility or activity shall comply with the permit application requirements of 33CSR1 Subsection 3.7. "Permit Application Requirements".
- B. Minor Modification. A permittee of an existing, approved commercial solid waste facility shall apply to the Secretary for a minor permit modification to conduct waste tire processing activities. The permittee may also apply for a minor permit modification to install and operate a designated monofill storage cell for the placement of waste tires and/or tire derived material at the facility: Provided, That such activities fully comply with 33CSR5. Each designated monofill storage cell must be located at least two hundred (200) feet from any other solid waste disposal cells (33CSR5 Paragraph 3.2.a.1.).
- C. In accordance with 33CSR5 Paragraph 3.7.a.8. no person shall engage in the open burning of waste tires.

VII. REPORTING

- A. Daily logs, monthly reports and an annual operational report must be compiled and submitted in accordance with 33CSR1 Subsection 4.12., unless otherwise stipulated for a specific type of non-disposal solid waste facility in 33CSR2 "Sewage Sludge Management Rule" or in 33CSR3 "Yard Waste Composting Rule".
- B. Quarterly and Semiannual Recordkeeping and Reporting Requirements
 - 1. Recordkeeping and reporting requirements for waste tire monofills/ storage cells, processing facilities/ activities and salvage yards shall include the following:

Quarterly Reports. Quarterly reports shall be submitted to the Secretary prior to the fifteenth day of the next quarterly reporting period on forms provided by, or acceptable to, the Secretary. More specifically, the report must include the following:

- a. Date, quantity, and origin of waste tires and tire derived material received at the facility
- b. Quantity/ tonnage of waste tires and tire derived material processed at the facility
- c. Quantity/ tonnage of waste tires and tire derived material stored at the facility
- d. Name, address, telephone number, and certified motor carrier identification numbers of the waste tire transporters who transport waste tires and tire derived material to and from the facility, including the quantity/ tonnage of waste tires and tire derived material so transported

2. **Problems, Conditions or Changes.** Describe in the quarterly report any fires, vector or environmental problems, other conditions, or changes in the facility's operational procedures. If fire, vector or environmental problems have occurred, describe steps taken to prevent a recurrence.
3. **Pesticide Application.** Identify the name, type and quantities of pesticides used in the quarterly report during the reporting period for vector control.
4. **Term of Record Keeping.** The permittee must retain records of the quarterly reports at the facility for not less than five (5) years.

VIII. QUALITY ASSURANCE/ QUALITY CONTROL PLAN (Q.A./Q.C. PLAN)

The application must include a quality assurance/ quality control plan for the construction and installation of the facility. If the facility is required by W.Va. Code, or rules promulgated thereunder, to have a liner system, the construction and installation of the liner system shall also be included on the engineering plans and described in the Q.A./ Q.C. Plan. The Q.A./ Q.C. Plan and the liner system must be approved by the Secretary.

IX. BACKGROUND DISCLOSURE STATEMENT REQUIREMENTS

A Background Investigation Disclosure Statement application must be completed and submitted as part of the application for any person, or persons, who is an applicant, permittee, operator, owner, or other person of a solid waste facility, unless it is exempt by 33CSR1. Disclosure statements submitted shall include one (1) original and one (1) certified copy of all papers and the appropriate fee to the Department.

X. PERMIT APPLICATION FEES

- A. **Amount.** The application fee is two thousand five hundred dollars (\$2,500.00) for a waste tire processing facility, i.e., a non-disposal solid waste facility.
- B. **Incomplete Application Fee.** The DEP may require an additional fee of ten (10) percent of the applicable application fee for any application fee of any application refilled due to deficiency or incompleteness.
- C. **The permit renewal fee is one thousand dollars (\$1,000.00).**

XI. BONDING AND FINANCIAL ASSURANCE

Bonding shall be in the amount of six thousand dollars (\$6,000.00) per acre with a minimum amount of ten thousand dollars (\$10,000.00) in accordance with W.Va. Code §22-15-12. An additional financial assurance of two dollars (\$2.00) per whole waste tire, accumulated at any given time, as projected in the application and/or permit shall be required. Such two dollar (\$2.00) per tire bond will not be released until all tires are removed from the waste tire processing facility. Bonding or financial assurance must be in place before the permit may be issued (33CSR1 Subsection 3.13.). No bond may be released until all provisions of 33CSR5 have been met.

The term of a Waste Tire Processing Permit is five years. If there are any questions regarding the proper procedure to complete the information required by this application, contact the Solid Waste Management Unit at (304) 926-0499.

We will process your personal information (email address, mailing address and/or telephone number) in accordance with the State of West Virginia's Privacy Policy for appropriate and customary business purposes. Your personal information may be disclosed to other state agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. The Division of Water and Waste Management will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact the DEP's Chief Privacy officer at depprivacyofficer@wv.gov.