

1 Waste Management Board

2

3 Adopted Permanent Rules Relating to Waste Tire Abatement

4

5 Rules as Adopted

6 9220.0100 SCOPE.

7 Parts 9220.0100 to 9220.0180 establish the procedures that
8 the board shall follow in moving to abate tire dumps, the
9 procedures that a responsible tire collector shall follow in
10 abating a tire dump pursuant to board request, and the technical
11 standards that a responsible tire collector must meet during the
12 abatement process.

13 9220.0110 DEFINITIONS.

14 Subpart 1. **Applicability.** For the purposes of parts
15 9220.0100 to 9220.0180, the terms in subparts 2 to 22 have the
16 meanings given them.

17 Subp. 2. **Abate or abatement.** "Abate" or "abatement" means
18 processing and removing waste tires in a manner accepted by the
19 board.

20 Subp. 3. **Abatement increment.** "Abatement increment" means
21 period of time, not greater than six months and not less than
22 one month, as specified in an abatement plan, during which a
23 specified number of waste tires will be removed from the tire
24 dump and processed.

25 Subp. 4. **Board.** "Board" means the Minnesota Waste
26 Management Board.

27 Subp. 5. **Chair.** "Chair" means the chair of the Minnesota
28 Waste Management Board.

29 Subp. 6. **Flood plain.** "Flood plain" means any land area
30 that is subject to a one percent or greater chance of flooding
31 in any given year from any source.

32 Subp. 7. **Operator.** "Operator" means the person
33 responsible for the overall operation of the tire dump. A tire
34 dump operator is a tire collector as defined in Minnesota
35 Statutes, section 115A.90, subdivision 8.

1 Subp. 7a. **Oversize waste tires.** "Oversize waste tires"
2 means a waste tire exceeding a 35-inch outside diameter, or a
3 14-inch width.

4 Subp. 8. **Owner.** "Owner" means a person who owns, in whole
5 or in part, the waste tires located in a tire dump, or the land
6 on which the tire dump is located. As used in parts 9220.0100
7 to 9220.0180, "owner" includes one who holds an interest in the
8 property on which the tire dump is located, as in the case of a
9 lessee. An owner is a tire collector as defined in Minnesota
10 Statutes, section 115A.90, subdivision 8.

11 Subp. 9. **Person.** "Person" has the meaning given in
12 Minnesota Statutes, section 115A.90, subdivision 5.

13 Subp. 10. **Processing.** "Processing" has the meaning given
14 in Minnesota Statutes, section 115A.90, subdivision 6.

15 Subp. 11. **Ravine.** "Ravine" means a deep, narrow cleft or
16 gorge in the earth's surface. A ravine cannot be smoothed out
17 by ordinary tillage.

18 Subp. 12. **Residuals from processing.** "Residuals from
19 processing" means the unusable material resulting from any
20 chemical or physical processing of waste tires.

21 Subp. 13. **Responsible tire collector.** "Responsible tire
22 collector" means a person who is the recipient of the abatement
23 request. A responsible tire collector is an owner or operator
24 of a tire dump, as defined in this part.

25 Subp. 14. **Shoreland.** "Shoreland" means land located
26 within 1,000 feet from the normal high water mark of a lake,
27 pond, or flowage, or land within 300 feet of a river or stream,
28 or a flood plain as established by ordinance.

29 Subp. 15. **Sinkhole.** "Sinkhole" means a closed depression
30 formed by subsidence of the underlying bedrock.

31 Subp. 16. **Tire.** "Tire" has the meaning given in Minnesota
32 Statutes, section 115A.90, subdivision 7.

33 Subp. 17. **Tire collector.** "Tire collector" has the
34 meaning given in Minnesota Statutes, section 115A.90,
35 subdivision 8.

36 Subp. 18. **Tire-derived products.** "Tire-derived products"

1 means usable materials produced from the chemical or physical
2 processing of a waste tire.

3 Subp. 19. **Tire dump.** "Tire dump" has the meaning given in
4 Minnesota Statutes, section 115A.90, subdivision 9.

5 Subp. 20. **Tire processor.** "Tire processor" has the
6 meaning given in Minnesota Statutes, section 115A.90,
7 subdivision 10.

8 Subp. 21. **Waste tire.** "Waste tire" has the meaning given
9 in Minnesota Statutes, section 115A.90, subdivision 11.

10 Subp. 22. **Wetland.** "Wetland" means any area that is
11 covered by standing water during any portion of a year. As used
12 in this part, "wetland" includes but is not limited to wetlands
13 as defined in Classification of Wetlands and Deep Water Habitats
14 of the United States, 1979. This publication was issued by the
15 United States Department of the Interior, Fish and Wildlife
16 Service, Washington, D.C. 20402. This publication is available
17 at the Minnesota State Government Law Library, Ford Building,
18 117 University Avenue, Saint Paul, Minnesota. This publication
19 is incorporated into this definition by reference and is not
20 subject to frequent change.

21 9220.0120 ABATEMENT PROCEDURES.

22 Subpart 1. **Scope.** Subparts 2, 3, and 4 describe the
23 criteria the board shall use in deciding which tire dumps to
24 abate first, the procedures that the board shall follow in
25 abating tire dumps, and the actions that responsible tire
26 collectors must take to comply with a board request to abate.

27 Subp. 2. **Abatement priorities.** The board shall issue a
28 request for abatement action to tire collectors responsible for
29 tire dumps that meet the following priority criteria:

30 A. **First priority:** tire dumps with over 1,000,000
31 waste tires. Tire dumps with over 1,000,000 waste tires shall
32 be ranked based on the priority criteria in items B and C.

33 B. **Second priority:** tire dumps posing fire hazards.
34 In ranking tire dumps that are fire hazards, the board shall
35 consider the number of waste tires in the tire dump; the

1 proximity of the tire dump to population concentrations; the
2 proximity of the tire dump to natural resources that would be
3 affected by a fire at the tire dump; and the characteristics of
4 the tire dump that might make it susceptible to fire, including
5 but not limited to the absence of fire lanes, the lack of
6 emergency equipment, the presence of easily combustible
7 materials, and the lack of site access control.

8 C. Third priority: tire dumps in densely populated
9 areas. In ranking tire dumps located in densely populated
10 areas, the board shall consider the population concentration
11 within five miles of the tire dump; the number of waste tires in
12 the tire dump; the hazardous characteristics of the tire dump,
13 including but not limited to its susceptibility to fire or to
14 mosquito infestation; and whether the tire dump is visible from
15 any public way.

16 D. Fourth priority: remaining tire dumps. For tire
17 dumps that do not meet the priority criteria in subpart 3, items
18 A to C, the board shall consider the number of waste tires
19 located at the tire dump; the hazardous characteristics of the
20 tire dump, including but not limited to its susceptibility to
21 fire or mosquito infestation; and the population and natural
22 resources that might be affected by the presence of the tire
23 dump.

24 Subp. 3. Request for abatement action. The board shall
25 issue a request for abatement action to all responsible tire
26 collectors. A request for abatement action shall be in writing,
27 specify the action that must be taken to comply, the time
28 allowed for response, the reasons for requesting the action, and
29 the actions that the board will take if the requested action is
30 not taken in the requested time.

31 Subp. 4. Requested action. The request for abatement
32 action shall require that the responsible tire collector or
33 collectors submit to the chair an abatement plan meeting the
34 criteria in part 9220.0130. The request for abatement action
35 shall require that the responsible tire collector or collectors
36 agree to implement the abatement plan by entering into a

1 stipulation agreement with the board.

2 9220.0130 CONTENTS OF ABATEMENT PLAN.

3 Subpart 1. Goal. The abatement of a tire dump subject to
4 a board abatement action shall be accomplished through the
5 processing and removal of the waste tires present in the tire
6 dump. Abatement action must be in accordance with a plan that
7 meets the criteria in this part. If approved by the chair, a
8 plan that meets the criteria in this part shall be incorporated
9 into a stipulation agreement signed by the responsible tire
10 collector or collectors and the board.

11 Subp. 2. Processing on-site. If the responsible tire
12 collector elects to process the waste tires on the tire dump
13 site, the following information must be included in the
14 abatement plan submitted to the chair in compliance with the
15 request for abatement action:

16 A. A description of the processing techniques.

17 B. A description of the equipment that will be used
18 on the site to process and remove the waste tires. The function
19 of each piece of equipment should be specifically noted.

20 C. The name, address, and telephone number of the
21 users of the tire-derived products produced from the processing
22 of the waste tires constituting the tire dump, and a description
23 of how the tire-derived products will be used.

24 D. A description of how any residuals from processing
25 the waste tires will be disposed.

26 E. A time schedule for removal and processing of the
27 waste tires constituting the tire dump. Abatement of the tire
28 dump must be completed within five years of the execution of the
29 stipulation agreement incorporating the abatement plan.

30 Abatement increments must be established.

31 F. A time schedule for bringing the tire dump into
32 compliance with the technical and operational standards in parts
33 9220.0150 to 9220.0160. The tire dump must be in compliance
34 with all technical and operational standards within six months,
35 unless otherwise agreed to in the stipulation agreement

1 incorporating the abatement plan. An emergency preparedness
2 manual meeting the standards in part 9220.0160, subpart 8, must
3 be submitted to the chair as part of the abatement plan.

4 G. A description of how records on the number of
5 waste tires processed and removed will be maintained.

6 H. If the responsible tire collector will seek
7 reimbursement under part 9220.0170, an estimate of the net cost
8 of processing the waste tires using the most cost-effective
9 processing alternative. This estimate must be supported through
10 submission of documentation of the net cost of processing the
11 waste tires.

12 Subp. 3. Processing off-site. If the responsible tire
13 collector elects to remove the waste tires to another location
14 for processing, the following information must be included in
15 the abatement plan submitted to the chair in compliance with the
16 request for abatement action.

17 A. A description of the equipment that will be used
18 to pick up and transport the waste tires to the tire processor.

19 B. If the responsible tire collector will contract
20 with another person or firm for the transportation of the waste
21 tires, the name, address, and telephone number of that person or
22 firm.

23 C. The name, address, and telephone number of the
24 facility at which the waste tires will be processed, and a
25 description of the processing techniques employed by that tire
26 processor.

27 D. The name, address, and phone numbers of the users
28 of the tire-derived products produced from the processing of the
29 waste tires constituting the tire dump, and a description of how
30 the tire-derived products will be used.

31 E. A time schedule for the removal of the waste tires
32 constituting the tire dump. The abatement of the tire dump must
33 be completed within five years of the execution of the
34 stipulation agreement incorporating the abatement plan.
35 Abatement increments must be established.

36 F. A time schedule for bringing the tire dump into

1 compliance with the technical and operational standards in parts
2 9220.0150 to 9220.0160. The tire dump must be in compliance
3 with all technical standards within six months, unless otherwise
4 agreed to in the stipulation agreement incorporating the
5 abatement plan. An emergency preparedness manual meeting the
6 standards in part 9220.0160, subpart 8, must be submitted to the
7 chair as part of the abatement plan.

8 G. A description of how records on the number of
9 waste tires removed will be maintained.

10 H. If the responsible tire collector will seek
11 reimbursement under part 9220.0170, an estimate of the net cost
12 of processing the waste tires using the most cost-effective
13 processing alternative. This estimate must be supported through
14 submission of documentation of the net cost of processing the
15 waste tires.

16 Subp. 4. **Permitting during abatement.** If the responsible
17 tire collector wishes to obtain a board permit for the site that
18 is the subject of the abatement action, the responsible tire
19 collector must notify the chair of this intent at the time the
20 abatement plan is submitted, and agree to develop a plan for
21 bringing the site into compliance with the waste tire permit
22 rules for storage, transfer, or processing facilities once rules
23 governing these facilities are in place.

24 Subp. 5. **New waste tires.** If the responsible tire
25 collector wants to continue to receive new waste tires during
26 the time the tire dump is being abated, the responsible tire
27 collector must notify the chair of this intent at the time the
28 abatement plan is submitted, and agree to develop a plan for
29 processing and removal of the new waste tires.

30 9220.0140 INADEQUATE RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

31 Subpart 1. **Inadequate response.** The board shall determine
32 if a responsible tire collector has failed to make an adequate
33 response to a request for abatement action. The following
34 constitute grounds for the board to find that a response has
35 been inadequate:

1 A. the responsible tire collector has not responded
2 to the request for abatement action within the time period
3 specified in the request for abatement action;

4 B. the responsible tire collector has failed to
5 submit an abatement plan that meets the criteria in part
6 9220.0130;

7 C. the responsible tire collector has failed to sign
8 a stipulation agreement incorporating the abatement plan
9 approved by the chair; or

10 D. the responsible tire collector has failed to
11 comply with a term or condition of the stipulation agreement
12 incorporating the abatement plan.

13 Subp. 2. Abatement order. A finding that a responsible
14 tire collector has failed to make an adequate response to a
15 request for abatement constitutes grounds for the board to issue
16 a tire dump abatement order to the responsible tire collector.
17 If the board determines that board abatement is required, the
18 tire dump abatement order shall provide for entering the
19 property where the tire dump is located, taking the waste tires
20 into public custody, and arranging for their processing and
21 removal.

22 9220.0150 TECHNICAL STANDARDS.

23 Subpart 1. Scope. During the time a tire dump is being
24 abated according to an abatement plan approved by the chair, the
25 responsible tire collector shall operate and maintain the tire
26 dump in compliance with the following standards.

27 Subp. 2. Indoor storage. Waste tires stored indoors shall
28 be stored under conditions that meet or exceed those in The
29 Standard for Storage of Rubber Tires, NFPA 231D-1980 edition,
30 adopted by the National Fire Protection Association, San Diego,
31 California. This publication is available at the Minnesota
32 State Government Law Library, Ford Building, 117 University
33 Avenue, Saint Paul, Minnesota; the Office of Public Safety, Fire
34 Marshal Division; or any local fire department. This
35 publication is incorporated by reference and is not subject to

1 frequent change.

2 Subp. 3. Location of waste tire piles. No waste tires
3 shall be stored in any area where they may be subjected to
4 immersion in water, including but not limited to flood plains,
5 wetlands, shorelands, sinkholes, or ravines.

6 Subp. 4. Dimensions of waste tire piles. No individual
7 waste tire pile shall have an area greater than 10,000 square
8 feet or a vertical height greater than 20 feet. A 50-foot fire
9 lane shall be placed around the perimeter of each waste tire
10 pile. This fire lane shall be maintained free of rubbish,
11 equipment, and vegetation at all times.

12 9220.0160 OPERATIONAL STANDARDS.

13 Subpart 1. Scope. During the time a tire dump is being
14 abated pursuant to an abatement plan approved by the chair, the
15 tire dump must be operated in compliance with the following
16 standards.

17 Subp. 2. Burning. No operations involving the use of open
18 flames, blow torches, or highly flammable substances shall be
19 conducted within 50 feet of a waste tire pile.

20 Subp. 3. Emergency equipment. Equipment for the control
21 of accidental fires shall be provided and maintained at the tire
22 dump.

23 Subp. 4. Emergency communications. Communication
24 equipment shall be provided and maintained at the tire dump.
25 Arrangements to acquire fire protection services for the tire
26 dump shall be made through agreement with local fire protection
27 authorities.

28 Subp. 5. Access. An approach and access road to the tire
29 dump shall be maintained passable for any vehicle at all times.
30 Access to the tire dump shall be strictly controlled through use
31 of fences and gates.

32 Subp. 6. Vegetation. The tire dump shall be maintained
33 free of grass, underbrush, and other potentially flammable
34 vegetation at all times.

35 Subp. 7. Storage limitation. Only waste tires or

1 tire-derived products may be stored at the tire dump.

2 Subp. 8. **Emergency manual.** The operator of the tire dump
3 shall prepare and maintain at the tire dump site an emergency
4 preparedness manual containing the following elements:

5 A. a list of names and numbers of persons to be
6 contacted in the event of a fire, flood, or other emergency
7 involving the tire dump;

8 B. a list of the emergency response equipment present
9 at the tire dump, its location, and how it should be used in the
10 event of a fire or other emergency; and

11 C. a description of the procedures that should be
12 followed in the event of a fire at the tire dump, including
13 procedures to contain and dispose of the oily material generated
14 by the combustion of large numbers of tires.

15 The procedures in the emergency preparedness manual shall
16 be followed in the event of an emergency at the tire dump. The
17 emergency preparedness manual shall be updated once a year, upon
18 changes in operations at the tire dump, or if required by the
19 chair.

20 Subp. 9. **Emergency notification and reports.** The operator
21 of the tire dump shall immediately notify the chair in the event
22 of a fire or other emergency at the tire dump with potential
23 off-site impacts. Within two weeks of any emergency involving
24 potential off-site impact, the operator of the tire dump shall
25 submit to the chair a report on the emergency. This report
26 shall set out the origins of the emergency, the actions that
27 were taken to deal with the emergency, the results of the
28 actions that were taken, and an analysis of the success or
29 failure of the actions.

30 Subp. 10. **Operational record.** The operator of the tire
31 dump shall maintain records of the number of waste tires
32 received at the tire dump, stored at the tire dump, and shipped
33 from the tire dump. Records shall also be kept of the amount of
34 tire-derived products received, stored, or shipped from the tire
35 dump. At the completion of an abatement increment, the
36 responsible tire collector shall submit to the chair a record of

1 the approximate number of waste tires remaining in the tire
2 dump; the amount of tire-derived products stored at the tire
3 dump; and the number of waste tires or amount of tire-derived
4 products received at the tire dump and shipped from the tire
5 dump during the abatement increment. For waste tires and
6 tire-derived products shipped to another location, the date and
7 the amount shipped must be included.

8 Subp. 11. **Inspection.** At the completion of each abatement
9 increment, the responsible tire collector shall notify the chair
10 so that an inspection of the tire dump may be conducted to
11 certify the completion of the required abatement.

12 9220.0170 REIMBURSEMENT.

13 Subpart 1. **Scope.** The board shall reimburse a responsible
14 tire collector for the cost of abating the tire dump according
15 to the criteria and limits in this part and as set out in the
16 stipulation agreement incorporating the abatement plan.

17 Subp. 2. **Eligibility of responsible tire collector.** Only
18 those tire collectors who are recipients of a request to abate a
19 tire dump, and who have entered into a stipulation agreement
20 incorporating an abatement plan may request the board for
21 abatement cost reimbursement.

22 Subp. 3. **Eligible costs.** Only the cost of abatement of
23 waste tires collected before November 21, 1985, is eligible for
24 reimbursement.

25 Subp. 4. **Reimbursement rate.** A reimbursement rate shall
26 be established in the stipulation agreement incorporating the
27 abatement plan. The chair shall establish the reimbursement
28 rate. The reimbursement rate shall remain in effect for the
29 term of the stipulation agreement. The reimbursement rate shall
30 be based on the most cost-effective means of abating the tire
31 dump, considering all alternatives available to the responsible
32 tire collector, and the amount of money available to the board
33 for tire dump abatement. In calculating the reimbursement rate
34 for waste tires, excluding oversize waste tires, the chair shall
35 use the following formula to determine which abatement

1 alternative is the most cost effective.

$$\begin{array}{l}
 2 \quad R = (M \times \$0.125) \quad + \text{ or } - \text{ PC} \\
 3 \\
 4 \quad \quad \quad (\text{transport cost}) \quad \quad \quad (\text{processing cost}) \\
 5
 \end{array}$$

6 Where R is the potential reimbursement rate in dollars per
 7 ton; M is the miles needed to transport the waste tires to the
 8 processing facility; the figure \$0.125 represents the cost of
 9 transporting a ton of waste tires one mile; and PC is the net
 10 dollar cost per ton to the responsible tire collector of
 11 processing these waste tires. If the responsible tire
 12 collector's processing revenues exceed processing costs, in
 13 other words, there is no net cost but instead a net profit, the
 14 amount of revenue shall be subtracted from the transportation
 15 cost portion of the formula. PC shall not exceed \$66 per ton.

16 The reimbursement rate for oversize waste tires shall be
 17 established by the chair on a case-by-case basis. If the
 18 responsible tire collector seeks reimbursement for the cost of
 19 abating these waste tires, the responsible tire-collector must
 20 submit information on the most cost-effective method of
 21 transporting (if the waste tires are to be processed off-site)
 22 and processing these waste tires when submitting the information
 23 required in part 9220.0130, subpart 2, item H, and subpart 3,
 24 item G. The chair will choose a reimbursement rate that
 25 reflects the most cost-effective method of transporting and
 26 processing these waste tires.

27 Subp. 5. Reimbursement total. The chair shall establish
 28 the total amount of money that will be available for
 29 reimbursement of all-eligible abatement costs incurred at any
 30 site. This total shall be based on the reimbursement rate, the
 31 waste tires eligible for reimbursement in the tire dump, the
 32 total amount of money available to the board for abatement of
 33 tire dumps, and the spending priorities established by the
 34 legislature in Minnesota Statutes, section 115A.912, subdivision
 35 2. This total shall be incorporated into the stipulation
 36 agreement incorporating the abatement plan.

37 9220.0180 REIMBURSEMENT DISBURSEMENT.

1 Subpart 1. **Request for disbursement.** After the completion
2 of an abatement increment, the responsible tire collector may
3 request the chair for reimbursement of the costs incurred during
4 that abatement increment.

5 Subp. 2. **Findings.** Before any money is disbursed as
6 reimbursement for the cost of abatement, the chair shall make
7 the following determinations:

8 A. the abatement increment for which reimbursement is
9 sought has been certified as complete;

10 B. the abatement cost for which reimbursement is
11 sought was actually incurred; and

12 C. the responsible tire collector is in compliance
13 with all terms and conditions of the stipulation agreement.

14 Subp. 3. **Documentation.** The responsible tire collector
15 shall submit to the chair documentation the chair reasonably
16 requires to enable the chair to make the determinations in
17 subpart 1.

18 Subp. 4. **Disbursement.** The amount of money to be
19 disbursed as reimbursement for the cost of abatement shall be
20 based on the reimbursement rate established in the stipulation
21 agreement. No money shall be disbursed to reimburse abatement
22 expenses that exceed the total reimbursement amount set under
23 part 9220.0170, subpart 5, and as incorporated into the
24 stipulation agreement.