

WAC 173-350-350 Waste tire storage. (1) Waste tire storage - Applicability.

(a) These standards apply to facilities that store waste tires in quantities greater than:

(i) Eight hundred automobile tires or eight tons of waste tires when each individual tire weighs less than five hundred pounds;

(ii) Twenty tons of heavy equipment tires when each individual tire weighs five hundred pounds or more.

(b) These standards do not apply to the storage of waste tires in mobile containers used to transport waste tires. For purposes of this section, mobile containers must be used primarily for the transport of tires and must be moved between the storage facility and off-site annually.

(2) **Waste tire storage - Permit exemptions.** There are no exemptions for waste tire storage.

(3) **Waste tire storage - Permit requirements - Location.** There are no specific location standards for waste tire storage sites subject to this chapter; however, waste tire storage sites must meet the performance standards of WAC 173-350-040.

(4) **Waste tire storage - Permit requirements - Design.** Waste tire storage facilities must be designed so that the facility can be operated to meet the performance standards of WAC 173-350-040. The maximum number of tires to be stored on-site and the individual waste tire storage locations and sizes must be provided. Facility design requirements are as follows:

(a) Unless otherwise specified in fire code, waste tires stored inside an enclosed building or structure must be stored so that:

(i) Storage piles or racks adjacent to or along one wall do not extend beyond twenty-five feet from the wall, do not exceed fifty feet in length along the wall, and do not exceed thirty feet in height;

(ii) Storage piles or racks not adjacent to or along a wall do not exceed fifty feet in width and do not exceed thirty feet in height;

(iii) Aisles between storage piles or racks are no less than eight feet in width; and

(iv) Buildings and structures where the designated area for the storage of tires exceeds twenty thousand cubic feet in space are equipped throughout with an automatic sprinkler system.

(b) Unless otherwise specified in fire code, waste tires stored outside must be stored so that:

(i) The size of any individual pile of waste tires is limited to:

(A) A maximum area of five thousand square feet;

(B) A maximum volume of fifty thousand cubic feet; and

(C) A maximum height of ten feet.

(ii) A clear space of at least forty feet between each pile of waste tires is provided. The clear space must not contain flammable or combustible material or vegetation;

(iii) Tire storage is not located within fifty feet of any property line or building;

(iv) Tire storage is not located within one hundred feet of brush or forested areas;

(v) Where the total volume of waste tires stored on-site is more than one hundred fifty thousand cubic feet, storage arrangement must meet the following:

(A) Individual storage piles comply with size and separation requirements outlined in (b) (i) through (iv) of this subsection;

(B) Adjacent storage piles are considered a group, and the aggregate volume of storage piles in a group do not exceed one hundred fifty thousand cubic feet; and

(C) Separation between groups is at least seventy-five feet.

(vi) Waste tire storage is not located under bridges, elevated trestles, elevated roadways, or elevated railroads.

(c) Public access to any waste tire storage facility must be limited.

(d) When waste tires are stored and not processed on site, tires that weigh less than five hundred pounds must be segregated from tires that weigh five hundred pounds or more.

(5) Waste tire storage - Permit requirements - Documentation.

(a) The owner or operator must submit construction documents for, at a minimum, any proposed addition or modification of elements described in subsection (4) of this section to the jurisdictional health department for review and approval. The construction documents for proposed construction of engineered features must be prepared by a professional engineer registered in the state of Washington, and must include:

(i) An engineering report that presents the design basis and calculations for the engineered features where applicable. The engineering report must demonstrate that the proposed design will meet the performance standards of WAC 173-350-040; and

(ii) Scale drawings of the facility including the location and size of waste handling areas, fixed equipment, buildings, stormwater management features where applicable, access roads, traffic patterns, and other constructed areas and buildings integral to facility operation.

(6) Waste tire storage - Permit requirements - Operating. The owner or operator of a waste tire storage facility must:

(a) Operate the site in compliance with the performance standards of WAC 173-350-040 and this subsection. In addition, the owner or operator must develop, keep, and follow a plan of operation approved as part of the permitting process. The plan of operation must be available for inspection at the request of the jurisdictional health department. If necessary, the plan may be modified with the approval, or at the direction of the jurisdictional health department. Each plan of operation must include the following:

(i) A description of the types of waste tires to be handled at the facility;

(ii) A description of the procedures used to ensure that dangerous waste and other unacceptable waste are not accepted at the facility;

(iii) A description of how waste tires are to be handled on-site during the facility's life, including:

(A) Routine storage;

(B) Procedures for ensuring that all waste tires received by the facility have been transported in accordance with the waste tire carrier section in WAC 173-350-355;

(C) Maximum site capacity; and

(D) Methods of adding or removing waste tires from the facility and equipment used.

(iv) A description of how the owner or operator will ensure the facility is operated in a way to:

(A) Control litter, dust, and nuisance odors;

(B) Control rodents, insects, and other vectors;

(C) Control public access in a manner sufficient to prevent arson, unauthorized vehicular traffic, illegal dumping of wastes, and to prohibit scavenging;

(D) Prohibit open burning and manage waste tires in a way to protect them from any material or conditions that may cause them to ignite;

(E) Provide attendant(s) on-site during hours of operation;

(F) Provide a sign at the site entrance that identifies the facility and shows at a minimum the name of the site;

(G) Immediately summon fire, police, or emergency service personnel in the event of an emergency;

(H) Limit the total quantity of waste tires stored on-site at any time to the amount permitted by the jurisdictional health department;

(I) Provide on-site fire control equipment sufficient to extinguish any fire reasonably possible from one individual pile of waste tires. Fire control equipment may include, but is not limited to, automatic sprinkler protection, fire hydrants, fire hoses, ancillary firefighting equipment, portable fire extinguishers, and material-handling equipment capable of moving tires during firefighting operations; and

(J) Issue written or computer printed receipts upon receiving loads of waste tires.

(v) A description of how operators will inspect and maintain the facility to prevent deterioration or the release of wastes to the environment that could pose a threat to human health, including the inspection form operators will use. Inspections must be as needed, but at least weekly, unless an alternate schedule is approved by the jurisdictional health department as part of the permitting process. Facility inspection reports must be maintained in the operating record;

(vi) A description of how operators will maintain operating records on the amounts (number of tires, weight of tires in tons, or volume of tires in cubic yards) and types of waste received and removed from the facility, including the form or computer printout used to record this information. Weight and volume are adequate measurements provided that the operator documents the approximate number of tires included in each load. Facility annual reports must be maintained in the operating record. Facility inspection reports must be maintained in the operating record, including at least the date of inspection, the name and signature of the inspector, a notation of observations made, and the date and nature of any needed repairs or remedial action. Significant deviations from the plan of operation must be noted in the operating record. Records must be kept for a minimum of five years and must be available upon request by the jurisdictional health department;

(vii) Safety, fire, and emergency plans addressing the following:

(A) Procedures for the use of communications equipment to immediately report emergencies to the fire department, police, or emergency service personnel;

(B) A list of all emergency equipment at the facility including the location and a brief description of its capabilities;

(C) Procedures for firefighting and the operation of fire control equipment;

(D) Employee training and emergency duty assignments; and

(E) Procedures for and frequency of fire drills.

(viii) Other such details to demonstrate that the facility will be operated in accordance with this subsection and as required by the jurisdictional health department.

(b) Prepare and submit an annual report to the jurisdictional health department and the department by April 1st on forms supplied by the department. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

- (i) Name and address of the facility;
- (ii) Calendar year covered by the report;
- (iii) Annual quantity of tires received, in tons;
- (iv) Annual quantity of tires removed from the facility and where they went, in tons;
- (v) Total tons of tires remaining at the facility at year's end;
- (vi) Applicable financial assurance reviews and audit findings in accordance with WAC 173-350-600; and
- (vii) Any additional information required by the jurisdictional health department as a condition of the permit.

(7) **Waste tire storage - Permit requirements - Groundwater monitoring.** There are no specific groundwater monitoring requirements for waste tire storage sites; however, waste tire storage sites must meet the performance standards of WAC 173-350-040.

(8) **Waste tire storage - Permit requirements - Closure.**

(a) The owner or operator of a facility that stores waste tires must develop, keep, and follow a closure plan that includes:

- (i) Notification to the jurisdictional health department and the financial assurance instrument provider, one hundred eighty days in advance of closure;
- (ii) Commencement of closure, in part or whole, within thirty days after receipt of the final waste tires;
- (iii) Projected time intervals that identify when partial closure is to be implemented;
- (iv) Closure cost estimates and projected fund withdrawal intervals for the associated closure costs, from the approved financial assurance instrument;
- (v) Methods of waste tire removal; and
- (vi) Submittal of a certification that the site has been closed in accordance with the approved closure plan to the jurisdictional health department.

(b) The jurisdictional health department must notify the owner or operator, the department, and the financial assurance instrument provider, of the date when the jurisdictional health department has verified that the facility has been closed in accordance with the specifications of the approved closure plan.

(9) **Waste tire storage - Permit requirements - Financial assurance.**

(a) The owner or operator must establish a financial assurance mechanism in accordance with WAC 173-350-600 for closure in accordance with the approved closure plan. The funds must be sufficient for hiring a third party to remove the maximum number of tires permitted to be stored at the facility and deliver the tires to a facility permitted to accept the tires.

(b) Nothing in this section may prohibit the application of funds from an existing bond as required under RCW 70.95.555, to the total amount required for financial assurance, if the bond can be used for the activities described in (a) of this subsection.

(c) No owner or operator may commence or continue operations at the site until a financial assurance instrument has been provided for closure activities in conformance with WAC 173-350-600.

(10) **Waste tire storage - Permit application contents.** A person who stores an amount of waste tires exceeding the regulatory threshold established in subsection (1)(a) of this section must obtain a solid waste permit from the jurisdictional health department. All applications for permits must be in accordance with the procedures established in WAC 173-350-710. In addition to the requirements of WAC 173-350-710 and 173-350-715, each application for a permit must contain:

(a) Engineering reports/plans and specifications that address the design standards of subsections (4) and (5) of this section;

(b) A plan of operation addressing the requirements of subsection (6) of this section;

(c) A closure plan meeting the requirements of subsection (8) of this section; and

(d) Documentation as needed to meet the financial assurance requirements of subsection (9) of this section.

(11) **Waste tire storage - Storage site license requirements.**

(a) An owner or operator of a waste tire storage facility must obtain a waste tire storage license. The facility owner or operator must first obtain a solid waste handling permit for the storage of waste tires from the jurisdictional health department.

(b) Application forms for a waste tire storage site owner license are available at unified business identifier service locations located throughout the state. Unified business identifier service locations include:

(i) The field offices of the Washington state department of revenue and the Washington state department of labor and industries;

(ii) The tax offices of Washington state department of employment security;

(iii) The Olympia office of the secretary of state; and

(iv) The business license service office of the Washington state department of revenue.

(c) An application for a waste tire storage site owner license must include an application fee determined by the Washington state department of revenue for each facility. A refundable portion of application fees may be returned to the applicant under the following conditions:

(i) The department determines that a solid waste permit would meet the substantive requirements of RCW 70.95.555 and determines that a license is not required; or

(ii) The applicant withdraws the application before the department has approved or denied the application.

(d) A waste tire storage site license is valid for one year from the date of approval and must be renewed annually.

(12) **Waste tire storage prohibitions and enforcement.**

(a) Waste tires may only be delivered to a facility that has obtained the required permits or licenses for storage, processing, or disposal of waste tires.

(b) Any person subject to this section who stores waste tires without a valid waste tire storage license issued by the Washington state department of revenue is subject to the enforcement provisions of RCW 70.95.560.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-350, filed 8/1/18, effective

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