



Waste Tire Management for Permittees

The 1998 General Assembly passed legislation to establish a waste tire management program to protect human health and the environment. Waste tires are defined as tires not used for their originally intended purpose because of wear or damage, used tires stored for resale, and processed waste tire material. Facilities must register with the cabinet, post financial assurance for closure and corrective action, and receive a letter of approval before accumulating, transporting, or processing waste tires.

Facilities required to register as accumulators, transporters, or processors of waste tires must conduct closure when operations cease. Corrective action is required in the event of a release or threatened release.

Who must register and receive approval?

Any person meeting any of the following criteria must register with the cabinet:

- accumulators of more than 25 at a time for processing
- transporters of more than 50 at a time
- accumulators of more than 100 at a time
- automotive recycling dealers licensed by the Transportation Cabinet accumulating more than 1,000 tires
- new tire retailers with an accumulation of more than 1,000 tires

A letter approving the registration must be issued by the cabinet prior to the acceptance of waste tires.

What are the requirements for storage of the waste tires? -

- Tires must be managed in accordance with the approved registration.
- Tires must be managed in accordance with the Environmental Performance Standards of 401 KAR 47:030.
- Access for firefighting equipment must be provided.
- Fire breaks must be established.
- Mosquito infestations and water entrapment must be prevented.
- Waste tires stored outdoors must be in closed containers, in adjacent covered areas or in wind-rows no larger than 25 feet wide, 10 feet high and 75 feet long with at least 50 feet of open unoccupied ground between windrows.
- Unless the waste tires are stored in buildings, in adjacent covered areas or closed containers, they can be no closer than the following:
 - 30 feet from a utility easement, property line or highway right-of-way
 - 250 feet from a residence
 - 250 feet from a karst feature, surface water of the commonwealth or unplugged water well.



- Waste tires must be stored on a surface with a grade of 5 percent or less that is free of vegetation and other flammable materials.
- A permanent sign legible at 100 feet that identifies the name, address and emergency telephone number of the person with the registration, hours of operation and the cabinet's emergency telephone number must be displayed at the site.
- A record-keeping system must be implemented to track each waste tire from the time it becomes a waste tire until it is disposed, recycled, or used as tire-derived fuel. The final processor, or a transporter who arranges for disposal or recycling out-of-state, must return a copy of the receipt for disposal or recycling to the retailer within 30 days of receiving waste tires. If the retailer does not receive that receipt, the retailer must notify the Division of Waste Management. Copies of receipts must be retained for three years.
- Waste tires may only be transferred to a person who presents a letter from the cabinet approving a registration or a copy of a solid waste disposal facility permit.

What are the financial assurance requirements?

Financial assurance for registered facilities will be based on the maximum quantity of waste tires, calculated as passenger tire equivalents that are accumulated, processed, or transported. The amount of financial assurance to be provided will be \$1 per passenger tire equivalent, with a minimum amount of \$10,000. The cabinet must determine that closure of the facility has been completed before releasing the financial assurance.

Closure and Corrective Action

- Accumulators, transporters, or processors of waste tires must conduct closure by the following:
Notifying customers and the cabinet with a schedule of when waste tires will no longer be accepted and closure will begin
- Removing all waste tires in accordance with the schedule
- Conducting any corrective action necessary to protect human health, safety and the environment,
and
- Certifying to the cabinet that all waste tires have been removed, that no additional waste tires will be accepted, and that any necessary corrective action has been completed.

Corrective Action

Accumulators, transporters or processors of waste tires must conduct corrective action as necessary to protect human health, safety and the environment. For a release or a threatened release of a hazardous substance, a pollutant or contaminant or a petroleum product, corrective action shall be conducted in accordance with KRS 224.01-400 and KRS 224.01-405. The person registered shall certify to the cabinet that corrective action has been completed and the cabinet shall determine that corrective action has been completed before releasing the financial assurance.

Please contact us if you need copies of the waste tires law, registration forms or a handbook on the requirements of the waste tire law.

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