

TITLE 39  
HEALTH AND SAFETY

CHAPTER 65  
WASTE TIRE DISPOSAL

39-6501. DEFINITIONS. As used in this chapter:

- (1) "City" means the city where the waste tire storage site is located.
- (2) "County" means the county where the waste tire storage site is located.
- (3) "Department" means the department of environmental quality.
- (4) "Dispose" means to drop, deposit, dump, spill or permanently place any waste tire onto or under the ground or into the waters of this state, or to own or control property where waste tires are dropped, deposited, dumped, spilled or permanently placed onto or under the ground or into the waters of this state.
- (5) "Existing waste tire storage site" means any property storing waste tires prior to recycle, reuse, or final disposal as of July 1, 2003, regardless of whether the owner or operator possesses a permit or other written city or county authorization authorizing the storage of waste tires at the property.
- (6) "Mining waste tire" means a waste tire which is greater than fifty-four (54) inches in diameter which was used in mining operations. Mining waste tires may be disposed of by burial. The department of lands shall prepare guidelines to govern the burial of mining waste tires.
- (7) "Motor vehicle" means any automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination or other vehicle operated on the roads of this state, used to transport persons or property and propelled by power other than muscular power, but motor vehicle does not include bicycles.
- (8) "New waste tire storage site" means any property that is not storing waste tires as of July 1, 2003, and applies for and receives a permit or other written city or county authorization to store waste tires prior to recycle, reuse or final disposal on or after July 1, 2003.
- (9) "Operator" means any person presently, or who was during any period of waste tire storage or disposal, in control of, or having responsibility for a waste tire storage site or a waste tire disposal site.
- (10) "Owner" means a person who owned a waste tire storage site or disposal site at any time waste tires are stored or disposed at the property, and the current owner of the waste tire storage site or waste tire disposal site.
- (11) "Person" means an individual, public or private corporation, partnership, association, firm, joint stock company, joint venture, trust, estate, municipality, commission, political subdivision of the state, state or federal agency, department or instrumentality, special district, interstate body or any legal entity, which is recognized by law as the subject of rights and duties.
- (12) "Retail tire dealer" means any person actively engaged in the business of selling new, used, or retread replacement tires at the retail level.
- (13) "Store" or "storage" means to accumulate more than two hundred (200) waste tires at any time, in a manner that does not constitute final disposal at a waste tire disposal site, or to own or control property on which more than two hundred (200) waste tires accumulate at any given time, in a manner that does not constitute final disposal at a waste tire disposal site.

The following activities shall not constitute "storing" or "storage" of waste tires:

- (a) A retail tire dealer collecting less than one thousand five hundred (1,500) waste tires at any point in time for each retail business location.
  - (b) A tire retreader collecting less than three thousand (3,000) waste tires at any point in time for each individual retread operation so long as the waste tires are of the type the retreader is actively retreading.
  - (c) A wrecking salvage business collecting less than one thousand five hundred (1,500) waste tires for each retail business location.
  - (d) A waste tire disposal site collecting waste tires for disposal at the site in accordance with the site's approved operating plan.
  - (e) A wholesale tire dealer collecting less than one thousand five hundred (1,500) waste tires at any point in time for each wholesale business location.
  - (f) An approved solid waste transfer station or solid waste landfill collecting less than one thousand five hundred (1,500) waste tires prior to transfer to an approved waste tire storage or disposal site.
  - (g) A farm or livestock operation which utilizes waste tires to secure farm or livestock silage or wastes provided the total number of waste tires shall not exceed one thousand five hundred (1,500).
  - (h) A permitted facility storing tires for an approved beneficial use.
  - (14) "Tire" has the meaning provided in section 49-121, Idaho Code.
  - (15) "Tire retreader" means any person actively engaged in the business of retreading tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire.
  - (16) "Transport" or "transporting" means picking up or hauling waste tires.
  - (17) "Waste tire" means a motor vehicle tire originally used for operation of a vehicle on a public roadway which is no longer suitable for its original intended purpose because of wear, damage or defect.
  - (18) "Waste tire storage site" means a new or existing waste tire storage site.
  - (19) "Waste tire disposal site" means a public or private municipal solid waste landfill operating in compliance with section 39-6503, Idaho Code.
  - (20) "Wholesale tire dealer" means any person engaged in the business of selling new replacement tires to tire retailers.
  - (21) "Wrecking salvage business" means any establishment or place of business which is maintained, used, or operated, for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- [39-6501, added 1991, ch. 308, sec. 1, p. 808; am. 1993, ch. 375, sec. 1, p. 1373; am. 2001, ch. 103, sec. 57, p. 298; am. 2003, ch. 281, sec. 1, p. 758.]

39-6502. WASTE TIRE STORAGE SITES. (1) No person shall store waste tires on any public or private property in this state or in the waters of this state unless the property is a waste tire storage site as defined or otherwise exempted in this chapter.

(2) Permit or local authorization required. No person shall own or operate a waste tire storage site without a permit or other written county or city authorization, as follows:

(a) Counties and cities shall only issue permits or other written authorizations that contain terms and conditions that assure waste tire storage sites are operated in compliance with this chapter and any additional requirements the county or city deems appropriate. Counties and cities shall review waste tire storage site applications pursuant to the procedures contained in section 67-6512, Idaho Code.

(b) Existing waste tire storage sites.

(i) Within three (3) months of the effective date of this chapter, the owner or operator of an existing site that is:

1. Operating without a permit or other written local authorization on the effective date of this chapter, shall apply to the respective county or city jurisdiction for approval to operate the existing site via an approved permit or other written city or county authorization; or

2. Operating with a previously issued permit or other written city or county authorization on the effective date of this chapter, shall notify the respective county or city jurisdiction.

(ii) If an existing waste tire storage facility fails to submit to the county or city an application by October 1, 2003, the existing waste tire storage site shall cease storing waste tires by January 1, 2004.

(iii) If the county or city determines not to issue a permit, other written authorization, or a modification to an existing permit or approval, for the existing waste tire storage site, the existing waste tire storage site shall cease storing waste tires no later than three (3) months after receiving notice of the determination not to issue a permit, other written authorization, or modification for the site.

(c) New waste tire storage sites. The current owner or operator of a new waste tire storage site shall not commence waste tire storage at the site until the county or city issues a permit or other written authorization permitting waste tire storage.

(d) Counties and cities shall issue permits and other written local authorizations for waste tire storage sites.

Upon written request from the city council or board of county commissioners to the department, the department shall be responsible for the permitting and authorization requirements of this section with respect to any application submitted to the county or city, in lieu of the county or city.

(e) Financial assurance. The owner or operator of a waste tire storage site shall maintain financial assurance in the form of a cash bond payable to the county or city, in an amount acceptable to the county or city where the waste tire storage site is located; provided however, counties and cities shall require a minimum initial financial assurance of two dollars and fifty cents (\$2.50) per tire authorized to be stored at the site. The amount of financial assurance shall be adjusted each year in accordance with the consumer price index on the anniversary date of the issuance of the permit or other city or county written authorization. Failure to adjust the amount of financial assurance on the anniversary date each year shall constitute failure to comply with the provisions of this chapter and shall result in automatic revocation of the permit or other written city or county authorization and forfeiture

of the bond. Cities and counties shall only process an application submitted under this section when documentation submitted with the application establishes compliance with the financial assurance requirement of this paragraph.

(i) The current owner or operator of an existing waste tire storage site shall comply with the financial assurance requirement of this paragraph by October 1, 2003. Except that the owner or operator of the existing waste tire storage site located in the magic valley as provided by rule of the department shall comply with the financial assurance requirement of this paragraph by July 1, 2005.

(ii) The current owner or operator of a new waste tire storage site shall comply with the financial assurance requirement of this section prior to commencing waste tire storage at the site.

Upon written request from the city council or board of county commissioners to the department, the cash bond will be written in favor of the department, in lieu of the city or county. In such cases, the department will oversee use of the bond should two (2) owners or operators become liable on the bond obligation.

(f) Siting. Counties and cities shall only issue a permit or written authorization to a waste tire storage site when the application establishes that the proposed or existing site is located on property owned as exclusively for industrial use.

(g) Application processing fee. Counties and cities may charge a fee for processing a waste tire storage site permit or authorization application or renewal.

(h) Records. Owners and operators of a waste tire storage site shall record and maintain on-site for a period of three (3) years, operational records including, but not limited to, the daily quantity of tires transported to and from the site, and the estimated quantity of tires located at the site.

(i) Suspension, revocation, renewal of permit or written authorization. The county or city may suspend, revoke, or refuse to renew a waste tire storage site's permit or written authorization if the county or city determines that the site is operating in violation of any requirement of this section or any term or condition of the site's permit or written authorization.

(3) In the event the current owner or operator of an existing or new waste tire storage site fails to comply with the requirements of this section, the board of county commissioners or city council may declare the site a public nuisance; and may declare a public health or safety emergency based on potential fire hazard, threat of insect borne disease, or potential contamination of the state's ground or surface waters. If the respective governing authority has declared a public health or safety emergency, they may petition the board of examiners for, and the board of examiners may authorize, the issuance of deficiency warrants for the purpose of removing and properly disposing of the tires upon the recommendation of the state fire marshal in the event of fire hazard, or the district health department in the event of insect borne disease hazard, or the department in the event of ground or surface water contamination hazard.

(a) Upon authorization of deficiency warrants by the board of examiners in accordance with provisions of this section, the state controller shall, after notice to the state treasurer, draw deficiency warrants in the authorized amounts against the general fund.

(b) Nothing contained in this section shall be construed to change or impair any right of recovery or subrogation arising under any other provision of law.

(c) The attorney general shall act to fully recover all costs incurred by the state of Idaho and its political subdivisions pursuant to this section.

[39-6502, added 2003, ch. 281, sec. 3, p. 761.]

39-6503. WASTE TIRE DISPOSAL. (1) No person shall dispose of waste tires on any public or private property in this state or in the waters of this state except at permitted public or private municipal solid waste landfills which have been approved to accept waste tires in their operating plans as specified in the following subsection.

(2) Waste tires may be disposed at a permitted public or private municipal solid waste landfill with an approved operating plan only if the waste tires have been processed to meet the following criteria:

(a) The volume of one hundred (100) unprepared randomly selected whole tires in one (1) continuous test period must be reduced by at least sixty-five percent (65%) of the original volume as specified in subsection (3) of this section. No single void space greater than one hundred twenty-five (125) cubic inches may remain in the randomly placed processed tires; or

(b) The tires shall be reduced to an average chip size no greater than sixty-four (64) square inches in any randomly selected sample of ten (10) tires or more. No more than forty percent (40%) of the chips may exceed sixty-four (64) square inches.

(3) Tire volumes shall be calculated as follows:

(a) Unprocessed whole tire volume shall be calculated by randomly placing one hundred (100) unprepared randomly selected whole tires in a rectangular container and multiplying the depth of unprocessed tires by the bottom area of the container.

(b) Processed tire volume shall be determined by randomly placing the processed tire test quantity in a rectangular container and leveling the surface. It shall be calculated by multiplying the depth of processed tires by the bottom area of the container.

[39-6503, added 2003, ch. 281, sec. 4, p. 763.]

39-6504. TRANSPORT OF WASTE TIRES. (1) No person shall transport waste tires for storage to any location in this state other than to a waste tire storage site for which a city or county has issued a permit or other written county or city authorization in active status.

(2) No person shall transport waste tires for disposal to any location in this state other than to a municipal solid waste landfill which is operating in compliance with the requirements of section 39-6503, Idaho Code.

(3) Nothing in this section shall prohibit any person from transporting waste tires to facilities in the state which possess a valid air quality permit, provided the permit allows for an approved beneficial use of the waste tires.

[39-6504, added 2003, ch. 281, sec. 5, p. 764.]

39-6505. PROHIBITED ACTS. No person shall advertise or represent himself/herself as being in the business of accepting waste tires for trans-

port, storage, or disposal without being in full compliance with all the provisions of this chapter.

[39-6505, added 2003, ch. 281, sec. 6, p. 764.]

39-6506. RECYCLING AND REUSE OF WASTE TIRES. The state of Idaho seeks to protect human health and the environment by encouraging the recycling and reuse of waste tires. Accordingly, the legislature directs the department to identify approved methods of recycling and reuse of waste tires.

[39-6506, added 2003, ch. 281, sec. 7, p. 764.]

39-6507. PENALTIES. Any person who knowingly stores, transports or disposes of a tire in violation of the provisions of this chapter is subject to a civil penalty of not more than five hundred dollars (\$500) per violation and is subject to the provisions of the environmental protection and health act contained in section 39-108, Idaho Code. Each tire so disposed of improperly constitutes a separate violation.

[39-6507, added 1991, ch. 308, sec. 1, p. 811; am. 1993, ch. 375, sec. 7, p. 1376; am. 2003, ch. 281, sec. 8, p. 764.]

39-6508. PURPOSE. The state of Idaho supports and encourages the reuse and recycling of waste tires. The legislature finds the paramount public interest in regulating waste tires is to protect public health and safety. In particular, the legislature is concerned with eliminating potential fire hazards; minimizing or eliminating potential breeding grounds for disease-bearing insects; and eliminating potential sources of surface and ground water contamination.

[39-6508, added 2003, ch. 281, sec. 9, p. 765.]