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DEQ Policy Memorandum

Policy No.: PM98-5

Used Tire Policy

STATEMENT OF PURPOSE

The disposal of used tires, in any form, in landfills and the incineration of those tires is prohibited, except as provided by permissible methods of waste tire management listed in §39-6504(3) Idaho Code, or in accordance with rules and regulations of the Department of Health and Welfare. Currently, there exists confusion over what uses of used tires are approved by the Waste Tire Act, Idaho Code §39-6504, and what beneficial uses DEQ has approved. The Department has not adopted rules addressing used tire beneficial uses. Historically, Idaho law considers used, recyclable tires as "waste tires." Therefore, this policy uses the terms *waste tires* and the more appropriate term *used tires*, interchangeably.

The purpose of this policy is to establish a procedure for demonstrating alternative beneficial uses of used tires as specified in Idaho Code §39-6504(3)(I).

STATEMENT OF POLICY

Authority: Waste Tire Collection Sites, Idaho Code Section 39-6503, states that "An owner or operator of a waste tire collection site, . . . , shall register with the division and provide the division with information concerning the site=s location and size and the approximate number of waste tires which are stored at the site and shall initiate steps to comply with the provisions of this chapter and other local, state and/or federal authorities." According to Idaho Code §39-6501(7), "Waste tire collection site" means a site where used tires are collected before being offered for recycling or reuse and where more than fifty (50) tons of used tires (approximately 5,000 light utility tires) are kept on site on any day. Registration as a used tire collection site is required if storing greater than 50 tons (approximately 5,000 light utility tires) of used tires.

The Waste Tire Act, Idaho Code §39-6504(3), limits the use of used tires to the following beneficial uses:

- 1) Retreading.
- 2) Constructing collision barriers.
- 3) Controlling soil erosion only if used in accordance with approved engineering practices.
- 4) Chopping or shredding prior to reuse.
- 5) Grinding for use in asphalt or as a raw material for other products.
- 6) Using as playground equipment.
- 7) Incinerating or using as a fuel or pyrolysis if permitted by law, regulations or ordinances relating to burning of fuel.
- 8) Hauling to lawful out-of-state collection or processing sites.
- 9) Any other beneficial use, reuse or recycling of waste tires, chips or similar material from waste tires generated in Idaho which meets the criteria set forth by the division.