



Department of
**Environment &
Conservation**

DRAFT Waste Tire Hauler Rules

Jeremy Hooper | May 7, 2025

Overview

- How did we get here?
- Draft rules
- Next steps



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The Problem: Illegal Dumping of Waste Tires

- In 2019, the General Assembly passed Joint Resolution 344 requesting that the Tennessee Advisory Council on Intergovernmental Relations (TACIR) study the overall effects of waste tire dumps in Tennessee.
- In 2020, TACIR concluded that:
 - Illegal dumping of waste tires is a problem in Tennessee;
 - Tire dumps pose a risk to public health and the environment;
 - Cleanup costs plague local governments and private property owners; and
 - **TDEC's existing tire program IS NOT structured to prevent ongoing illegal dumping.**



Support for Solutions

- **2020 TACIR Study Report**

- “Given the notable hazards associated with illegally dumping tires, **most states require tire haulers to obtain permits and require tire businesses to use only permitted waste tire haulers.** This report recommends that Tennessee do the same, including proof of financial assurance as a condition of permit approval.”

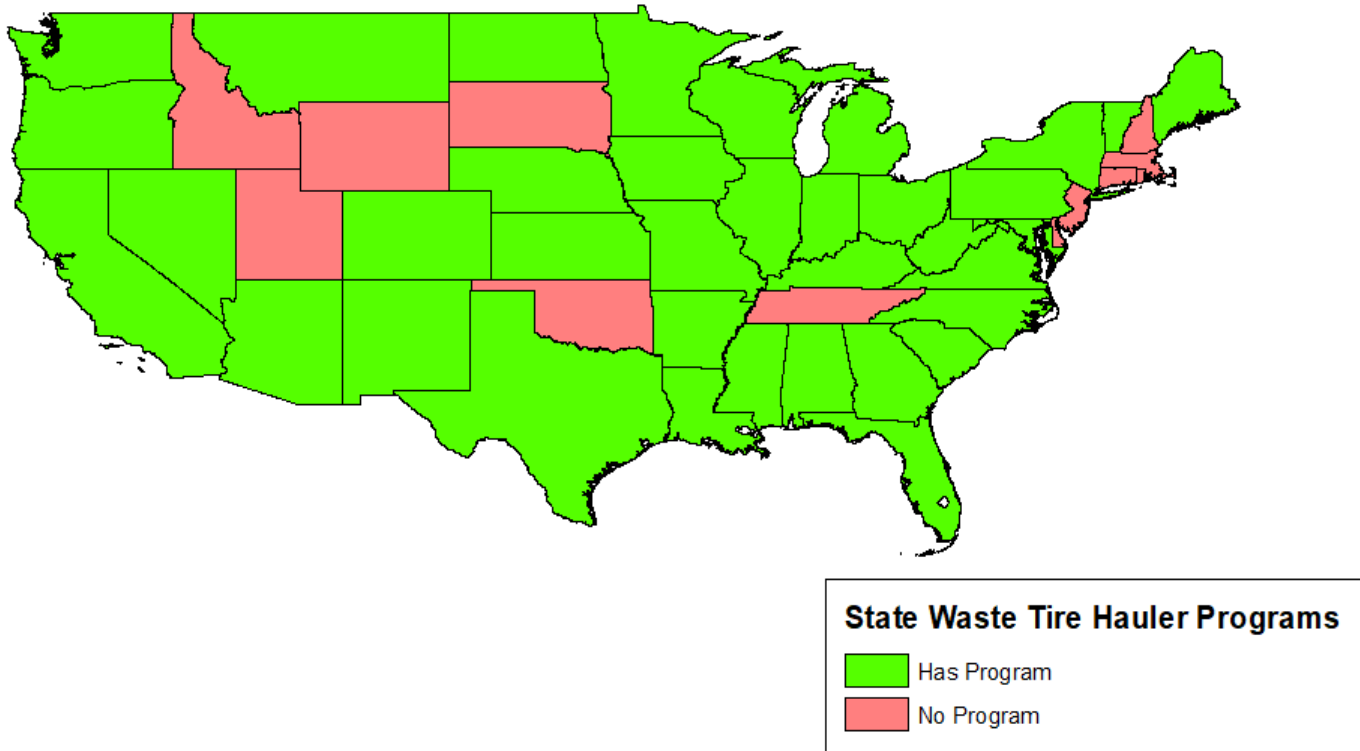
- **Council of State Governments**

- “A state must have several mechanisms in place, including a mandatory waste tire manifest system and permitting systems.” (Brody 2017)

- **TDEC Research: Other State Waste Tire Hauler Programs**

- **Texas:** Reported that program has helped local authorities ensure the proper disposal of waste tires and reduce illegal tire dumps.
- **Ohio:** Reported that program has reduced illegal tire dumps.
- **Arkansas:** Reported that financial assurance has been successfully utilized four times in past year to clean up illegal tire dumps.

Nationwide Waste Tire Hauler Programs



HB1689/SB2089 Waste Tire Hauler

- Develop Proposal
- Approval Levels
 - Division management
 - Deputy Commissioner Greg Young
 - Commissioner and ELT
- Present to Governor's Office
- Determine Bill Sponsors
 - Rep. Grills
 - Sen. Southerland

- Bill Presentation in House and Senate
 - Subcommittees
 - Full Committees
 - Floor Session

Passed H., Ayes 96, Nays 0, PNV 0

03/04/2024

Passed Senate, Ayes 32, Nays 0

03/11/2024

- Sent to Governor's Desk

Signed by Governor.

03/27/2024

Waste Tire Hauler Rules

The rules provide:

- Administrative requirements for registration;
- Decal requirements for all transport vehicles used to commercially haul waste tires;
- An annual registration fee for all registered waste tire hauler vehicles;
- Terms and conditions for registered waste tire haulers;
- Manifest requirements for all waste tire generators, transporters, and permitted waste tire management facilities;
- Financial assurance requirements for registered waste tire haulers; and
- Standards and procedures for the administration of funds to local governments for the investigation and cleanup of unpermitted waste tire disposal sites and other unpermitted solid waste disposal sites.

Rule Outline

Chapter Number	Chapter Title
0400-11-04	Waste Tire Hauler Registration Program
Rule Number	Rule Title
0400-11-04-.01	Purpose and Applicability
0400-11-04-.02	Definitions
0400-11-04-.03	Registration
0400-11-04-.04	Terms and Conditions
0400-11-04-.05	Manifest
0400-11-04-.06	Financial Assurance
0400-11-04-.07	Grounds for Denial, Revocation, or Suspension
0400-11-04-.08	Civil Enforcement

Chapter Number	Chapter Title
0400-11-05	Waste Tire Disposal Site Cleanup Funds
Rule Number	Rule Title
0400-11-05-.01	Purpose
0400-11-05-.02	Definitions
0400-11-05-.03	Administrative Requirements
0400-11-05-.04	Evaluation Criteria
0400-11-05-.05	Reports
0400-11-05-.06	Restrictions

Applicability

(2) Applicability.

- (a) This chapter applies to any person who commercially generates, transports, processes, stores, or disposes of waste tires in this state, unless such person is otherwise specifically exempted by these rules or state or federal law, including:
 - 1. A person who transports waste tires into this state for the purposes of storage, processing, or disposal; or
 - 2. A person who transports waste tires out of this state for the purpose of storage, processing, or disposal.
- (b) These rules shall not apply to the following:
 - 1. Government entities;
 - 2. Persons who are not hauling waste tires commercially, including farmers hauling their own waste tires; and
 - 3. Tires that are not waste tires, as defined in Rule 0400-11-04-.02, such as new tires generated by a tire manufacturer, or off-specification tires generated in connection with the manufacturing process.

Manifests

0400-11-04-.05 Manifest.

- (1) A waste tire generator who commercially transports waste tires must prepare a manifest on a form provided, or approved, by the Department containing the following information:
 - (a) Names, contact information, and addresses of the registered waste tire haulers;
 - (b) Names, contact information, and addresses of waste tire generators;
 - (c) Names, contact information, and addresses of the waste tire receivers; and
 - (d) A description and quantity and type (e.g., passenger, truck, tractor, etc.) of waste tires provided by the waste tire generator for shipment or transport.
- (9) For shipments of waste tires originating outside of Tennessee, a waste tire hauler may use a manifest approved by another state if it contains all of the information listed in paragraph (1) of this rule and complies with paragraph (2) of this rule, or the manifest is otherwise approved by the Department for use in Tennessee.
- (10) A waste tire hauler must complete any manifest requirements for out-of-state waste tire generators or waste tire receivers that do not voluntarily comply with this rule.

Financial Assurance

0400-11-04-.06 Financial Assurance.

- (1) A waste tire hauler must post a performance bond, or other financial assurance, with the Commissioner in an amount established by the Commissioner based on the approximate number of waste tires hauled. In no event shall the amount of financial assurance be less than \$10,000.
- (2) Financial assurance shall be issued in favor of the Department and shall consist of one or more of the following mechanisms: surety bond, irrevocable letter of credit, insurance, trust fund, corporate financial test, or other evidence of financial responsibility assurance approved by the Commissioner.
- (3) The Commissioner shall use the financial assurance when necessary to pay for clean-up or corrective action. Any money remaining after completion of clean-up or corrective action shall be returned to the person who posted the financial assurance.
- (4) The Commissioner may apply financial assurance to collect civil penalties and damages assessed by the Commissioner against the waste tire hauler in a final order issued pursuant to T.C.A. § 68-211-1104. However, the Commissioner is not required to issue an order pursuant to T.C.A. § 68-211-1104 to use financial assurance as provided in paragraph (3) of this rule.

Tire Cleanups

0400-11-05-.03 Administrative Requirements.

- (1) The Department may provide funds from the solid waste management fund, established by T.C.A. § 68-211-821, to local government entities:
 - (a) To provide for the investigation and cleanup of unpermitted waste tire disposal sites and other unpermitted solid waste disposal sites; and
 - (b) To issue grants to a private party, other than the person responsible for the illegal disposal of waste tires, for the purpose of investigation and cleanup of privately-owned, unpermitted, waste tire disposal sites.

Evaluation Criteria

0400-11-05-.04 Evaluation Criteria.

In determining whether to provide funds to a local government under this chapter, the Department may consider:

- (1) The local government's demonstrated need;
- (2) The local government's use of the funds received pursuant to T.C.A. § 67-4-1610(b)(1),
- (3) The availability of funds in the solid waste management fund after considering all other obligations of those funds; and
- (4) Whether the county requesting funds under this chapter is in compliance with the reporting requirements of T.C.A. § 67-4-1610(b)(1), as determined by the Commissioner.

Next Steps

- Start public comment period
- Schedule and hold public hearing



Questions?

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