

WASTE TIRE TASK FORCE

October 1, 2 2009

WASTE TIRE TASK FORCE

Purpose: work together to make adjustments, corrections, or changes to the current Waste Tire Program so it will be as simple, efficient, and effective as possible.

Goals:

1. To work together to find solutions to the known problems
2. To review the WasteTire Program and make recommendations for changes that improve efficiency and ensure the intent of the Solid Waste Management Act is met

WASTE TIRE TASK FORCE

Groups

Groups are comprised of:

- County Mayors
- Solid Waste Directors
- Stakeholders (will have limited participation in the work groups; can join group of their choosing)

One SWM staff member per/group to take notes/answer questions

WASTE TIRES

From The Legal
Viewpoint

Louis Bordenave
Division of Solid Waste Management







68-211-801. Short title.

This part shall be known and may be cited as the “Solid Waste Management Act of 1991.”

68-211-805. Liberal construction

The provisions of this part are remedial in nature and shall be liberally construed to effect its purpose of providing for a systematic and efficient means of solid waste disposal and encouraging the best utilization and conservation of energy and natural resources

68-211-802. Definitions

“Waste tire” means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect; and

68-211-863. Sites for collection of recyclable materials — Annual reports

Effective January 1, 1996, each county shall provide directly, by contract or through a solid waste authority, one (1) or more sites for collection of recyclable materials within the county, unless an adequate site for collection of recyclable materials is otherwise available to the residents of the county.

**68-211-866. Whole waste tires — Lead-acid batteries — Used oil —
When acceptance for disposal prohibited — Storage sites. —**

(a) No municipal solid waste disposal facility or incinerator shall accept for disposal any whole waste tires, lead-acid batteries or used oil when an operator or attendant either knew, or should have known, of the presence of such prohibited materials; provided, that, subject to other applicable law and regulations, whole waste tires may be incinerated

**68-211-866. Whole waste tires — Lead-acid batteries — Used oil
— When acceptance for disposal prohibited — Storage sites. —**

(b) Each county shall provide directly, by contract or through a solid waste authority at least one (1) site to receive and store waste tires, used automotive oils and fluids, and lead-acid batteries, if adequate sites are not otherwise available in the county for the use of the residents of the county. A single site need not receive all of the items for which collection is required by this section, but all items listed above shall have at least one (1) site for reception and storage in the county. The operator of any such sites provided by a county shall sell and/or cause the transfer of the recyclable materials stored at these sites to a commercial recycler or a regional receiving facility for such wastes as often as is practicable.

68-211-867. Waste tire disposal

- a) The department of environment and conservation is directed to develop a program to manage the waste tire program for beneficial end use.
- b) For the purposes of this section, “beneficial end use” includes the following
 - (1) Cement manufacturing;
 - (2) Burning of tire-derived fuel in contained industrial boilers for the capture of energy;
 - (3) Production of tire-derived fuel, provided the department approves the planned use of the processed tire material;
 - (4) The crumbling or pyrolysis of tire material, provided the processor provides for the planned use of the processed tire material under such requirements established by the department

68-211-867. Waste tire disposal cont'd

(5) Recreational applications, including, but not limited to, playgrounds, running tracks, and walking paths; or

(6) Any use otherwise deemed appropriate by the department of environment and conservation and for which either the board has promulgated rules or the department has developed and published policies; provided, that this section shall not be construed to require or mandate the use of products or materials resulting from waste tires. The board shall not promulgate any rules, and the department shall not establish any policies mandating the use of products or materials resulting from waste tires. It is the specific intent of the general assembly that any use of products resulting from the waste tire program is entirely voluntary on the part of the end user.

68-211-867. Waste tire disposal cont'd

(c) (1) [Deleted by 2007 amendment.]

(2) The department is authorized to use funds available from the solid waste management fund to contract directly with an approved beneficial end user or its designated agent for recycling of waste tires. Each beneficial end user or agent awarded such a contract shall demonstrate to the department's satisfaction the ability to provide collection, management and transportation to its facility of all eligible and available waste tires generated within the area or county specified by the department. Any such contract shall be subject to approval by the county legislative body of each county in whose territory the contract shall be operative. Any such contract shall also require an appropriate performance bond from any entity producing tire-derived fuel or crumbling or pyrolysis of tire material to ensure proper storage, transportation and ultimate sale or disposal of such materials

68-211-867. Waste tire disposal

(3) From funds available from the solid waste management fund, the department may provide grants to assist counties in locating, collecting and appropriately disposing of waste tires. Any county receiving a grant under this subdivision after July 1, 2000, shall not assess a tipping fee on the waste tires received at a county waste tire collection site so long as the amount of the grant covers the cost of the county's waste tire management program

(4) From funds available from the solid waste management fund, the department may provide grants to local education agencies, municipalities or counties to utilize recycled shredded tires for recreational applications

(5) Any county or entity requesting or applying for a grant or entering a contract with the department shall submit, prior to being approved for a grant or contract, a workplan and budget to reflect the expenditures of the grant or contract. The grants or contracts are to fulfill the objective of recycling waste tires and to assure that all expenditures of the contracts, grants, or any additional local tipping fees are not exceeding the cost of the county's waste tire management program

68-211-867. Waste tire disposal cont'd

d) (1) A landfill shall **not accept whole, unshredded waste tires for disposal.** Landfill operators shall segregate whole, unshredded waste tires at landfills and provide a temporary storage area for such tires until transported to an appropriate facility to be used for an approved beneficial end use as defined in this section, or the tires are shredded and disposed of pursuant to subdivision (d)(2) and regulations promulgated by the board

(2) A county may not dispose of shredded waste tires in a landfill after July 1, 2002, if the county's net cost for shredding, transporting and disposing of waste tires exceeds the cost of an available beneficial end use. Nothing in this subsection shall prohibit a county from electing to participate in a beneficial end use for waste tires at a cost that exceeds the county's net cost for shredding, transporting and disposing of waste tires in a landfill

Tire Pre-disposal Fee

- ▣ TCA 67-4-1601
- ▣ \$1.35 per tire beginning 10-1-2007 on “new” tire sales
- ▣ Dealers keep \$0.10/tire for collecting and remitting fee
- ▣ \$1.25 paid to the Department of Revenue quarterly
- ▣ Tire pre-disposal fee transferred to TDEC for tire recycling and cleanup grants, technical assistance, and statewide services to local governments