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Waste Tire Accumulation and Hauling

The land disposal of any recyclable waste tires is prohibited in Nebraska. This raises questions on the numbers of waste tires that can be accumulated by any business or individual and what to do with those tires once they are accumulated. This Guidance Document is intended to provide some guidance on the accumulation and hauling of waste tires. This subject is covered in more detail in Nebraska [Title 132 – Integrated Solid Waste Management Regulations](#) Chapter 14. For the purposes of this Guidance Document a “Waste Tire” is any tire that is no longer suitable for its intended purpose because of wear, damage, or defect.

Accumulation:

Nebraska Statute 13-2033 (3) states that no person may have more than 500 waste tires on their property for a period of more than one year. Additionally, they may not store a quantity of more than 500 Passenger Tire Equivalent (PTE) for more than a year without reusing, recycling or shipment out of state. A single PTE is equal to 20 lbs by weight. However, according to Title 132, Chapter 14 [§001.02](#) the accumulation of more than 500 PTE per year is allowed in some cases. So long as the person accumulating the waste tires is doing so in order to reuse, recycle or ship them out of state they may exceed 500 PTE if they maintain a yearly turn-over rate of at least 75% of the accumulated tires as counted on January 1st. As an example, a waste tire processor or recycler accumulates 1000 PTE of waste tires in a year, but 750 PTE will have to be processed or recycled by January 1st of the following year to maintain their ratio. The same applies for Tire Retailers, Permitted Waste Disposal Areas, and private collectors with some additional requirements and exemptions (See Title 132, Chapter 14). The 75% turnover rate ensures that a tire pile does not get out of control and that the processor is operating with good intent to remove waste tires from the environment.

An additional factor in managing the size of waste tire stockpiles, encouraging turnover of those piles, and protecting Nebraska taxpayers from expenses to clean up failed ventures is the requirement for Financial Assurance. Every waste hauler who accumulates waste tires is required to maintain Financial Assurance in the amount of \$1.25 per PTE. This amount is to be calculated using the maximum number of tires on site at any time. For example, a Waste Tire Processor has a tire pile with tires of many shapes and sizes; from car tires to very large mining equipment tires. The total weight of all these tires is 2,000,000 pounds, or 100,000 PTE. The Financial Assurance required for this tire pile is \$125,000. As you can see, a large tire pile can become quite a drain on resources if not handled properly and kept manageable.

Hauling:

Any person who wishes to pick-up and transport waste tires for accumulation, processing or recycling must obtain a Waste Tire Hauler Permit from NDEQ. Waste tires may only be transported by a

permitted waste tire hauler; *this is enforceable by NDEQ regulation*. If you are sending your tires away, or receiving tires for your processing or recycling business you need to make sure you are using a permitted Waste Tire Hauler or that you yourself are also a permitted Waste Tire Hauler. Waste Tire Haulers must apply and receive a Waste Tire Hauling Permit from NDEQ and must renew that permit every year as long as hauling continues. As part of the Waste Tire Hauling Permit application/renewal a yearly report of all tires collected and delivered must also be submitted. Waste Tire Haulers must document the location and quantity of waste tires collected, as well as the total number of PTE or tons delivered to any processing or recycling facility, or their own stockpiles if they are also a processor.

Waste Tire Haulers are required to acquire Financial Assurance for their business. Those Waste Tire Haulers who haul less than 100,000 PTE of tires per year must maintain \$5,000 in Financial Assurance, while Haulers who haul more than 100,000 PTE per year must maintain \$10,000 in Financial Assurance. These sums are in addition to the Financial Assurance of \$1.25/PTE required at sites of waste tire accumulation if the hauler is also a processor.

Summary:

- No entity may store more than 500 PTE of Waste Tires for more than one year.
- Processors and recyclers may exceed 500 PTE in a year if they turnover 75% by January 1st.
- Waste Tires must be hauled by a permitted hauler
- Waste Tire Haulers must submit a yearly application and report to NDEQ
- Waste Tire Haulers must maintain Financial Assurance in the amounts of \$5,000 if they haul less than 100,000 PTE per year, and \$10,000 if they haul more than 100,000 PTE per year.
- Waste Tire Haulers that accumulate tires must maintain Financial Assurance in the amount of \$1.25 per PTE for the maximum number of PTE on site.

There are further specific exemptions for the accumulation of waste tires including beneficial reuse, grinding, and even energy recovery. These can be reviewed in detail within [Title 132 – Integrated Solid Waste Management Regulations](#) Chapter 14, “Waste Tires”.

RESOURCES:

- NDEQ Home Page <http://deq.ne.gov/>

Contacts:

- NDEQ Waste Management Section (402) 471-4210
- NDEQ Toll Free Number (877) 253-2603
- NDEQ Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: NDEQ.moreinfo@nebraska.gov

NDEQ Publications:

- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEQ Home Page under “Laws/Regs & EQC”, “Rules & Regulations”