

Requirements for the Agricultural Beneficial Use of Waste Tires reviewed/revised December 2017

Persons who generate, collect, process, dispose of or haul waste tires and persons who end use tire-derived products must comply with Section 10 of the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2. Section 10 affects many agricultural users of tires, waste tires and tire-derived products. This document outlines specific requirements pertaining to the beneficial use of whole waste tires in agricultural activities including acceptance and shipment of waste tires, storage and storage limits, and other requirements.

What Is a Tire?

A tire means a rubber cushion that fits around a wheel.

What Is a Waste Tire?

A waste tire is a tire that is modified from its original specifications but not processed into a tire-derived product, is no longer being used for its intended purpose as a tire, and is not a used tire.

What is a Tire-Derived Product?

A tire-derived product means matter that:

- a. Is derived from a process that uses whole tires as a feedstock, including shredding, crumbing and chipping;
- b. Adheres to established engineering or other appropriate specifications or to established product end user specifications or customers conditions of acceptance;
- c. Has a demonstrated benefit associated with the end use;
- d. Can be used as a substitute for or in conjunction with a commercial product or raw material; and
- e. Has either been sold and removed from the facility of a processor or has been used on site by the processor.

What Is Beneficial Use?

“Beneficial use” means the use of solid waste as an ingredient in a manufacturing process or as an effective substitute for natural or commercial products in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

A person cannot beneficially use a solid waste, including a waste tire, until the Department has made a beneficial use determination. Instructions for applying for a beneficial use determination are located in Section 8 of the Solid Waste Regulations.

The uses in Table 3, which accompanies this guidance, have been pre-determined by the Department to constitute beneficial uses. Persons using waste tires for any of these beneficial uses need not apply for a beneficial use determination. The following link will direct you to Solid Waste Regulations-Beneficial Use Table 3: Pre-Approved Beneficial Uses: www.colorado.gov/cdphe/recycling

Proposals for beneficial uses not listed in or removed from the Pre-Approved Beneficial Uses Table will be reviewed by the Department according to the criteria set forth in Section 8, possibly resulting in the issuance of a Beneficial Use Determination (BUD) by the Department. For further information or to start the BUD process, please contact the Customer Technical Assistance line at 303-629-3320.

Acceptance or Shipment of Waste Tires & Manifests

- For shipments of less than ten (10) waste tires: Persons beneficially using whole waste tires may accept them from a person hauling less than ten (10) whole waste tires at one time, even if the hauler is not registered with the Department.

- For shipments of ten (10) waste tires or more: Persons beneficially using whole waste tires may only accept them from a registered Waste Tire Hauler if the shipment quantity is equal to or more than (10) whole waste tires at one time.
- Persons beneficially using whole waste tires may not accept and/or offer a shipment of whole waste tires without having the registered Waste Tire Hauler properly complete the Uniform Waste Tire Manifest Form (Form WT-2).

Storage and Storage Limits

- A person may store whole waste tires if s/he has an approved and designated beneficial use for those whole waste tires.
- Persons beneficially using whole waste tires in agricultural activities may store no more than a dedicated number of whole waste tires at their location that can be justified by the owner for their intended use. Tires not in use must be stored in close proximity to their intended use.
- Persons may only beneficially use whole waste tires for their agricultural activities, not for commercial tire operations where a sale or exchange of value takes place.
- Whole waste tires that are no longer used for the intended beneficial use should be disposed of properly per Section 10 Regulations.

Other Requirements

- Persons beneficially using whole waste tires in agricultural activities must comply with all local, state, federal laws, regulations, ordinances and other requirements.
- Persons beneficially using whole waste tires in agricultural activities must not commercially process whole waste tires on-site without receiving a Waste Tire Processor Certificate of Registration from the Department unless the tires are agriculturally exempt or were generated by the property owner for agricultural purposes.
- Persons beneficially using whole waste tires in agricultural activities must comply with applicable local fire codes or with the fire code currently adopted by the Colorado Division of Fire Safety in the Department of Public Safety in the absence of adequate local fire codes.
- The Person beneficially using whole waste tires in agricultural activities must immediately notify the Department's Solid Waste Program in the event of a fire or other emergency involving waste tires. Reporting this event or emergency to the Department's Environmental Release and Incident Reporting Hotline would satisfy this reporting requirement. The Department's Environmental Release and Incident Reporting Hotline's number is 1-877-518-5608.
- Within two (2) weeks of notification, the person who used whole waste tires in their agricultural activities must submit a written report detailing the emergency to the Solid Waste Program. This report must describe the origin of the emergency, actions taken, planned actions, results or anticipated results of actions, and an approximate date of resolution of the problems generated by the emergency.

For More Information

Please email cdphe.hmwastetires@state.co.us or call our Customer Technical Assistance Line at 303-629-3320.

This guidance is intended to serve only as guidance to persons beneficially using whole waste tires on agricultural land in Colorado. This guidance should be used in conjunction with the Solid Waste Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2.

