

WASTE TIRE GUIDANCE¹

DEQ's Solid Waste Program (SWP) regulates waste tires under the Montana Solid Waste Management Act (Title 75, chapter 10, part 2, Montana Code Annotated (MCA)) and Administrative Rules of Montana (ARM) Title 17, chapter 50. Waste tires are classified as solid waste and must be properly managed and disposed. "Waste tire" means "a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect." Section 75-10-203(16), MCA.

DEQ encourages the reuse of waste tires when possible and in accordance with this guidance. Waste tire reuse must have a purpose that does not constitute disposal.

DEQ prohibits the following:

- Speculative accumulation of stockpiles of waste tires, which may create a nuisance or have a public health impact
- Open burning of waste tires
- Use of waste tires as clean fill

Solid Waste Management System License Required:

Anyone who stores, treats, recycles, or disposes waste tires from outside sources/generators generally needs a license from the SWP. Any of the following *three subtypes* of solid waste management system licenses would allow a person to accept and manage waste tires from generators other than themselves:

1. Recycling
2. Resource Recovery
3. Class II, III, and IV landfill (if the facility accepts tires)

As discussed below, DEQ may allow certain waste tire reuse activities without requiring a solid waste management system license, so long as the activity is pre-approved by DEQ and complies with the guidelines in this document and other applicable law.

¹ This document is *intended as general guidance* for persons managing waste tires in Montana and is not meant to modify or replace applicable laws and rules governing waste tire management, which undergo periodic revisions. In the event of a conflict between this guidance and applicable laws and rules, the applicable laws and rules govern. This guidance may not cover all situations, and DEQ retains the right to allow for reasonable, situational flexibility based on an analysis of site-specific circumstances. This guidance may be revised at any time.

Self-Generated Tires:

Waste tires that have been self-generated may be managed without a solid waste management system license. “Self-generated” solid waste—including waste tires—means a person's “own solid waste that is generated in reasonable association with the person's household or agricultural operations upon land owned or leased by that person or covered by easement or permit.” Section 75-10-214(1), MCA. Self-generated waste tires may not be disposed of in a way that creates a nuisance or public health hazard or violate the laws governing the disposal of hazardous or deleterious substances.

Waste Tire Reuse:

A waste tire reuse plan must be approved by DEQ prior to bringing waste tires on site. Failure to obtain DEQ approval for a waste tire reuse plan, or failure to follow a DEQ-approved tire reuse plan, may result in a DEQ enforcement action for violation of the Montana Solid Waste Management Act. Violations of the MSWMA may result in administrative and/or civil penalties.

DEQ will not approve waste tire reuse plans for persons being paid to remove and dispose of waste tires.

Generally, construction projects must be implemented within six months of bringing the waste tires onto the property. Any waste tires not utilized in an approved construction project must be disposed at a licensed solid waste management facility within 30 days of completion of construction. Below is guidance for some potential uses of waste tires:

Waste tires stored for reuse:

Unless an alternative plan is previously approved, waste tires stored for reuse must:

- Have a purpose that does not constitute disposal.
- Be maintained within property boundaries
- Not be placed in a public right of way (street, sidewalk, alley, etc.)
- Be stored in rows no more than 2 tires wide, no more than 6’ high, and shall have enough room between rows to allow emergency vehicles (e.g., fire department) free access to the area
- Not exceed 50 cubic yards or approximately 300 waste tires (unless other limits are set by local authority, e.g., fire marshal, city, county, etc.).
- Not be stored for longer than six months

Rammed Earth Structures (Earthship, fencing, retaining walls, windbreaks):

Rammed earth structures must:

- Be built to engineering specifications
- Engineering plans and a description of the project must be submitted to and approved by SWP prior to commencement of the project.
- Once the project is completed, all tires must be covered with a non-combustible material (e.g., dirt, soil, concrete, etc.).

Erosion Control:

Waste tires utilized for erosion control must be secured to the ground and cabled or laced together.

General Landscaping and Building:

See **Rammed Earth Structures** and **Erosion Control** above.

Baling:

Section 75-10-250, MCA, states that baled waste tires must:

- Not be used for any aboveground purpose within 500 feet of any road, commercial business, or private residence without consent of that owner **unless** they are encased in a material that will maintain the integrity of the bale upon failure of the bale restraining devices.
- Not be placed under water or in a location where they are likely to enter state waters
- Maintain bale integrity
 - If bale integrity is lost, baled tires are considered solid waste and are subject to disposal requirements.

Tire Businesses:

Tire businesses are advised to transport their tires to an end-user that will process, recycle and/or properly dispose the waste tires in a manner that complies with applicable law. If waste tires are disposed of at an unlicensed location or facility, waste tire generators may be required to retrieve the waste tires and/or become liable for clean-up and disposal costs.

Unless an alternative plan is previously approved, stored waste tires must:

- Be maintained within property boundaries
- Not be placed in a public right of way (street, sidewalk, alley, etc.)
- Be stored in rows no more than 2 tires wide, no more than 6' high, and shall have enough room between rows to allow emergency vehicles (e.g., fire department) free access to the area
- Not exceed 100 cubic yards or approximately 600 waste tires (unless other limits are set by local authority, e.g., fire marshal, city, county, etc.).
- Not be stored for longer than one year

Waste Tire Cutting Operations:

A resource recovery license is required to manage and dispose of waste tires unless the waste tires are cut at the facility that generates the waste tire (tire shop) and properly disposed at a licensed facility.

.....continued.....

Administrative Rules of Montana (ARM)

Definitions for resource recovery, recycling, and solid waste (ARM 17.50.403)

Waste Groups (ARM 17.50.503)

Licensed Waste Tire Disposal Facilities:

Kalispell:

Rasmussen Tire Site
210 Rhodes Draw

Laurel:

Tires for Reclamation Inc.
6920 Spring Creek Road

Lone Pine:

Enviro-Tire
758 West Road

For additional information on waste tire recycling, disposal at licensed Class II, III, or IV solid waste management facilities, or other reuse options, please contact the Solid Waste Program at 406-444-5300 or deqswprogram@mt.gov.