

1 AN ACT relating to waste tires.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 224.50-854 is amended to read as follows:

4 The waste tire program shall not apply to:

5 (1) A person who accumulates waste tires for an agricultural purpose; ***or***

6 ~~(2) A person who stores waste tires for resale, if the storage of the waste tires complies~~
7 ~~with environmental performance standards established by the cabinet for waste sites~~
8 ~~or facilities and follows common business practices of storing new motor vehicle~~
9 ~~tires on racks and moving the waste tires indoors at the close of the business day;~~

10 ~~(3)~~ A person who accumulated up to seven hundred and fifty (750) waste tires before
11 January 16, 1991, and who meets the following conditions:

12 (a) The waste tires are used as an integral part of a business, including safety
13 barriers but excluding storage or disposal;

14 (b) The number of waste tires has not increased since January 16, 1991; and

15 (c) The person certifies to the cabinet within thirty (30) days of July 15, 1998,
16 that actions have been taken to prevent fires and the spread of illness through
17 disease vectors.

18 ➔Section 2. KRS 224.50-856 is amended to read as follows:

19 (1) No person shall engage in disposal of waste tires in Kentucky except by transfer to
20 a permitted solid waste disposal facility and except as follows:

21 (a) 1. If transferred to a contained landfill, the waste tires shall be processed to
22 prevent the entrapment of air or water;

23 2. If transferred to a residual landfill, the waste tires shall be rendered
24 suitable for disposal in a landfill and the landfill shall accept only waste
25 tires for disposal; or

26 3. If transferred to an incinerator or to any facility for use as a fuel, the
27 incinerator or other facility shall be permitted in accordance with KRS

1 224.20-110 and 224.40-310 to allow the burning of waste tires and shall
2 have received a local determination related to the waste tires in
3 accordance with KRS 224.40-315(1); and

4 (b) Facilities proposing to use tire-derived fuel, as that term is defined in KRS
5 224.1-010(53), as a fuel or for other energy recovery, shall not be required to
6 receive a local determination related to the tire-derived fuel use under KRS
7 224.40-315(1). The Division of Air Quality shall provide for public notice and
8 an opportunity for comment on any application seeking approval for use of
9 tire-derived fuel.

10 (2) No person shall accumulate more than twenty-five (25) waste tires in Kentucky at a
11 time for processing, by baling, chopping, recycling, shredding, or other means of
12 changing their shape, size, or chemical content without meeting the requirements of
13 the waste tire program. For processing which had been approved by the cabinet
14 before July 15, 1998, the person who had received the approval shall register within
15 forty-five (45) days of July 15, 1998.

16 (3) No person shall transport more than fifty (50) waste tires in Kentucky at a time,
17 either in one (1) vehicle or more than one (1) vehicle managed by or operated under
18 contract with that person, without meeting the requirements of the waste tire
19 program, unless transported in accordance with subsection (5) of this section.

20 (4) No person shall accumulate more than one hundred (100) waste tires in Kentucky at
21 a time without meeting the requirements of the waste tire program, unless exempted
22 by KRS 224.50-854 or accumulated in accordance with subsection (5) or (6) of this
23 section. For accumulations of more than one hundred (100) tires not accumulated in
24 accordance with subsection (5) or (6) of this section and existing on July 15, 1998,
25 the person who has accumulated the tires shall register within forty-five (45) days
26 of July 15, 1998.

27 (5) A person making retail sales of new or used motor vehicle tires in Kentucky may

1 accumulate up to one thousand (1,000) waste tires at the place where retail sales are
 2 made without registering as an accumulator as required by KRS 224.50-858, if the
 3 waste tires are stored in accordance with the requirements of KRS 224.50-860(3),
 4 (5), (6), (7), and (8), and stored on-site in a building, in an adjacent covered area, or
 5 closed container where public access is prohibited after business hours. The retailer
 6 may transport the waste tires it accumulates at the place where retail sales are made
 7 without registering as a transporter as required by KRS 224.50-858 if the waste tires
 8 will remain in the retailer's possession until they reach their destination.

9 (6) An automotive recycling dealer in Kentucky who is licensed by the Transportation
 10 Cabinet pursuant to KRS 190.010 to 190.080 may accumulate up to one thousand
 11 (1,000) waste tires at the place where automotive recycling is done without
 12 registering as an accumulator as required by KRS 224.50-858 if the waste tires are
 13 stored in accordance with KRS 224.50-860(2) to (11) and stored on-site in a
 14 building, in an adjacent covered area, or closed container where public access is
 15 prohibited after business hours.

16 ➔Section 3. KRS 224.50-858 is amended to read as follows:

17 (1) Unless exempted by KRS 224.50-854 or as authorized by KRS 224.50-856(4) and
 18 (5), ~~a[-no]~~ person, **including but not limited to a seller of new or used motor**
 19 **vehicle tires**, shall ***not*** accumulate more than twenty-five (25) waste tires at a time
 20 for processing, transport more than fifty (50) waste tires at a time, or accumulate
 21 more than one hundred (100) waste tires at a time without first registering and
 22 receiving a letter of approval from the cabinet.

23 (2) To register, the following shall be submitted:
 24 (a) The person's name and address;
 25 (b) The address where the waste tires are to be accumulated or transferred;
 26 (c) A statement of the purpose for accumulating, transporting, or processing the
 27 waste tires;

- 1 (d) A statement of the maximum number of waste tires to be accumulated,
2 transported, or processed, and their passenger tire equivalents, as calculated
3 under KRS 224.50-862;
 - 4 (e) The rate at which waste tires are to be accumulated, transported, or processed;
 - 5 (f) A certification stating that the person has read and understood the
6 requirements of the waste tire program and will comply with those
7 requirements;
 - 8 (g) Financial assurance to pay for closure and corrective action as required by
9 KRS 224.50-864 and 224.50-866; and
 - 10 (h) A disclosure statement required by KRS 224.40-330(2).
- 11 (3) The cabinet shall approve the registration when the registration requirements have
12 been met.