

**TITLE 8**  
**JEFFERSON COUNTY WASTE TIRE ORDINANCE**

**SECTION:**

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8-1-1: **AUTHORITY AND TITLE:**

- A. This ordinance shall be known and cited as the Jefferson County Waste Tire Ordinance, or the "Waste Tire Ordinance."

8-1-2: **PURPOSE:**

- A. These regulations shall apply to all lands within the unincorporated territory of Jefferson County, and it shall be unlawful hereafter to keep, collect, haul, transport, or dispose of waste tires except as herein provided.

8-1-3: **DEFINITIONS:**

**ALTERED WASTE TIRE** A waste tire that is not longer whole, including waste tires that have been chopped or shredded.

**BOARD** Shall mean the Board of Jefferson County Commissioners

**CONDITIONAL USE PERMIT** A written authorization issued by the County, or its designated agency, which, by its conditions, may authorize the permittee to construct, install or operate facilities and conduct specific activities in accordance with specified limitations.

<b>FACILITY APPROVAL</b>	A written authorization issued by Jefferson County or its designated agency, authorizing a person or entity to construct, install, or operate facilities and conduct specific activities subject to conditions.
<b>ILLEGAL TIRE PILE</b>	The storing, stockpiling, accumulation, or disposing of five hundred (500) or more waste tires at one location without Facility Approval or exemption by the County, or its designated agency.
<b>PASSENGER AND LIGHT TRUCK TIRE</b>	Any motor vehicle tire with a rim diameter of twelve inches (12") through sixteen inches (16").
<b>RECYCLABLE TIRE</b>	A tire that is not a new tire, but which is free of permanent physical damage and maintains sufficient material to permit its use through retreading, repairing, or reconditioning for resale.
<b>REGISTERED TIRE PILE</b>	A location where one hundred (100) to five hundred (500) waste tires are stored, dumped, disposed or have otherwise accumulated and has registered with the County, or its designated agency, stating long term plans for the pile.
<b>RETREADER</b>	A person who accepts passenger, light truck, and truck tires and retreads such tires and is registered with the County, or its designated agency.
<b>WASTE TIRE</b>	A tire that is not on the wheel of a vehicle and is not suitable for its original intended use due to wear, damage, or defect, including all used tires, altered waste tires, recappable casings and scrap tires.
<b>WASTE TIRE COLLECTION SITE</b>	A site where five hundred (500) or more waste tires are collected before being offered for recycling or reuse.
<b>WASTE TIRE DUMP</b>	A location where one hundred (100) to five hundred (500) waste tires are stored, dumped, disposed, or have otherwise accumulated and have not been handled for a period of time in excess of ninety (90) days.
<b>WASTE TIRE FACILITY</b>	A site which collects, accepts, obtains, receives, stores, accumulates, processes, or alters waste tires.

**WASTE TIRE GENERATOR**

Any person whose act or process produces more than five hundred (500) waste tires in a twelve (12) month period.

**WASTE TIRE HAULER** Any person transporting more than fifty (50) waste tires.

**8-1-4: USE OF WASTE TIRES:**

- A. The disposal of waste tires shall be in conformance with Idaho Code 39-6504. A person shall not dispose of waste tires unless they are disposed of at an approved waste tire collection site.
- B. The following are acceptable methods of waste tire disposal.
  - 1. Retreading
  - 2. Incinerating for use as fuel, as permitted by Idaho law.
  - 3. Chopping or shredding prior to reuse.
  - 4. Grinding for use in asphalt or as a raw material for other products.
  - 5. Retaining walls.
  - 6. Using as playground equipment and gravel.
  - 7. Mats for use in dwelling, horse trailer, playgrounds, etc.
  - 8. Landfill cover (shredded tires only).
  - 9. Soil drainage.
  - 10. Soil additive.
- C. The County may authorize other methods of management and/or disposal of waste tires.

**8-1-5: ILLEGAL TIRE PILES:**

- A. Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles are located are responsible for cleanup of the site, prior to, and during the cleanup of the site. Upon notification by the County all owners/operators shall clean up the site within an acceptable time frame established by the County.
- B. Owners of property and or operators of facilities on which unapproved or unauthorized tire piles are located are responsible for providing disease vector control measures adequate to protect the safety and health of the public, and shall keep the site free of excess grass, underbrush, or other harborage.

- C. Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles are located must limit access to these tire piles to prevent further disposal of tires or other waste.

8-1-6: APPROVAL REQUIREMENT:

A. WASTE TIRE FACILITY APPROVAL

Storing, stockpiling, accumulating, processing, or producing a commodity from waste tires is prohibited without a Facility Approval from the County.

1. Waste tire facilities shall obtain approval from the County unless:
  - a. The facility is either an agricultural operation or is not an end-user of waste tires and is storing five hundred (500) or less waste tires in which case only a registration would be obtained.
  - b. The waste tires are stored in fully enclosed movable containers.
2. Persons seeking exemption from Waste Tire Facility Approval shall submit a copy of their exemption application for Waste Tire Facility Approval to the County.
3. Persons storing one hundred (100) to five hundred (500) tires must obtain a registration from the County. The registration must include a statement as to the long term plans for the pile and end-use of the waste tires.
4. Any person proposing to make a substantial change in the design or operation of the waste tire facility, shall apply for a revision of the Facility Approval.
5. The Facility Approval is issued to the applicant and is not transferrable.

B. APPLICATION REQUIREMENTS FOR FACILITY APPROVAL

1. Applications for Facility Approval shall contain at least the following information:
  - a. Name, address, telephone number(s), of applicant's business.
  - b. Name, address, and telephone number(s) of the owners of the property and documentation demonstrating owner approval to use the property.

- c. The name, address, and telephone number(s) of the person responsible for the operation and maintenance of the site.
- d. The common address of the site.
- e. The legal description of the property on which the site is located.
- f. Names and address of adjacent property owners.
- g. Documentation as required and set forth herein for site requirements, for facility closure, and for financial assurance.

#### C. SITE REQUIREMENTS FOR FACILITY

1. Waste tire facilities shall not be constructed, maintained or operated in or within two hundred feet (200') of any public waters or in any wetlands area.
2. Surface water drainage shall be directed around and away from waste tires.
3. Waste tire facilities shall not be located in a one hundred (100) year flood plain unless the operator demonstrates that the facility will be designed and operated to prevent waste tires from migrating off-site.
4. Waste tire facilities shall not be located where grades or other physical features will interfere with fire fighting equipment or personnel.
5. The facility shall be designed and constructed to provide protection from runoff of pyrolytic oil resulting from fire.
6. The proposed design submitted with application for Facility Approval, shall include a diagram, drawn to scale of the facility layout.

#### D. WASTE TIRE FACILITY CLOSURE

1. All approvals issued shall include a closure plan. The closure plan shall include:
  - a. A detailed description of how the closure requirements will be met.
  - b. A closure schedule, including an estimated time period for completion.
  - c. A description of post-closure physical status of the site including remediation and intended use for the site. Details of changes shall

be included on a topographic map showing features that will remain on-site:

- i. The site shall be graded to prevent ponding of water and to conform to surface features of adjacent properties.
    - ii. Seeding and re-vegetation to stabilize the soil surface shall be done when conditions are suitable. Reseeding is mandatory until adequate vegetative cover is established to prevent erosion or re-establish native vegetation.
  - (d) Documentation of financial assurance required as set forth herein.
2. In closing any waste tire facility, the owner or operator shall:
  - a. Stop public access to the site.
  - b. Post a notice indicating the site is closed and the location of the nearest site where waste tires can be deposited.
  - c. Notify, by certified letter, to the Department and County of the closing.
  - d. Remove all waste tires, and residuals to a processing facility or solid waste management facility authorized to accept waste tires, or a legitimate user of processed tires.
  - e. Remove any solid waste to a permitted solid waste management facility.
  - f. Notify the County by certified letter the date closure is completed.
3. A waste tire site which does not meet these regulations or which will no longer accept, collect, or process tires shall close as directed by the County.

#### **E. FINANCIAL ASSURANCE FOR TIRE FACILITIES**

1. The applicant shall provide a written cost estimate of hiring a third party to close the waste tire facility. This estimate shall be based on the maximum quantity of waste tires that the operator intends to store at the facility at any one given time. The Total Closure Cost Estimate shall include:

- a. **Transportation Cost** — This represents the total cost for mileage for transporting all waste tire equivalents from the facility to an approved end-use or disposal facility.
  - b. **Destination Charge** — This represents the total cost of disposal for all waste tire equivalents from the facility being closed to destination facilities.
  - c. **Loading Cost** — This represents the total cost of loading waste tire equivalents and unloading the vehicles at the destination facilities.
  - d. **Administrative Cost** — This represents the total cost of administrative activities for the closure operation. This cost shall include wages for personnel overseeing the cleanup activities.
  - e. **Security Cost** — This represents the total cost of security of the closure operation. This cost includes installation of site fence, installations and operation costs of lighting, and wages for security guards.
  - f. **Total Closure Cost Estimate** is derived by totaling the transportation cost, destination charge, loading cost, administrative cost, and security cost and then multiplying by a contingency factor of 1.2 (120% of original cost).
2. The applicant shall provide financial assurance equal to the Estimated Total Closure Cost for the waste tire facility to the Board of County Commissioners of the count where the facility is located.
- a. The financial assurance mechanism shall meet all requirements of these regulations and shall not be canceled, revoked, disbursed, released, or allowed to terminate without the approval of the jurisdictional Board of County Commissioners and the Department.
  - b. Financial assurance may include cash or surety bond, a letter of credit, or a secured trust form.
  - c. If the owner or operator of a waste tire facility provides financial assurance in the form of a surety bond, the bond shall be executed by a surety company authorized to do business in the State of Idaho. The bond shall continue until canceled by the surety.
  - d. The jurisdictional Boards of County Commissioners have primacy in approving proposals for financial assurance.

#### **F. DENIAL OR SUSPENSION OF FACILITY APPROVAL**

1. The County may suspend, revoke, or deny the renewal of any Facility Approval if any of the following conditions exist:
  - a. Failure to comply with conditions set forth in initial Waste Tire Facility approval.
  - b. Failure to maintain financial assurance as set forth in Section 4E.
  - c. The operation endangers public health, safety, or the environment.
  - d. The facility is no longer being operated by the owner named in the Waste Tire Facility approval.

8-1-7: WASTE TIRE HAULER REGISTRATION:

- A. Every person who transports waste tires shall obtain a waste tire hauler registration from the County, unless otherwise exempted.
- B. Exemptions — Persons are exempted from waste tire hauler license if:
  1. Person is transporting fewer than fifty (50) waste tires at one time.
  2. Person is a local, state, or federal government.
  3. Person is a tire retailer transporting waste tires to a location for repair or exchange.
  4. Person is transporting waste tires from another state, traveling through Idaho, without loading or unloading waste tires within Idaho.
  5. Person is permitted solid waste operator transporting tires as part of solid waste handling activities.
  6. Person is an agricultural operation using tires for an agricultural purpose.
  7. Person is a tire retreading facility who uses company owned vehicles to transport waste tires for the purpose of retreading.
- c. Registration requirements for hauler registration shall include:
  1. Name, address, telephone number of applicant's business.



2. Name, address, telephone number of tire facilities to which they haul.
  3. Haulers shall register annually with the County.
- D. Waste tire haulers transporting to facilities in Idaho shall transport waste tires to an authorized facility.
- E. Persons or facilities shall accept waste tires only from registered waste tire haulers or exempt individual.

8-1-8: ENFORCEMENT:

- A. The Jefferson County Commissioners, or their duly authorized agent(s), are hereby authorized to enforce and carry out the terms contained herein.

8-1-9: PROHIBITED ACTIVITY:

- A. It shall be unlawful for any person or entity to violate any of the foregoing provisions contained herein.

8-1-10: PENALTY:

- A. Any person violating this Ordinance is guilty of a general misdemeanor, and, upon conviction, shall be punished by the penalties provided in the general misdemeanor statutes.

8-1-11: EFFECTIVE DATE:

- A. This Ordinance shall be effective as hereinafter provided.