

**224.50-856 Disposal of waste tires -- Exceptions -- Use of tire-derived fuel -- Accumulation of waste tires -- Transportation.**

- (1) No person shall engage in disposal of waste tires in Kentucky except by transfer to a permitted solid waste disposal facility and except as follows:
  - (a)
    1. If transferred to a contained landfill, the waste tires shall be processed to prevent the entrapment of air or water;
    2. If transferred to a residual landfill, the waste tires shall be rendered suitable for disposal in a landfill and the landfill shall accept only waste tires for disposal; or
    3. If transferred to an incinerator or to any facility for use as a fuel, the incinerator or other facility shall be permitted in accordance with KRS 224.20-110 and 224.40-310 to allow the burning of waste tires and shall have received a local determination related to the waste tires in accordance with KRS 224.40-315(1); and
  - (b) Facilities proposing to use tire-derived fuel, as that term is defined in KRS 224.1-010(54), as a fuel or for other energy recovery, shall not be required to receive a local determination related to the tire-derived fuel use under KRS 224.40-315(1). The Division of Air Quality shall provide for public notice and an opportunity for comment on any application seeking approval for use of tire-derived fuel.
- (2) No person shall accumulate more than twenty-five (25) waste tires in Kentucky at a time for processing, by baling, chopping, recycling, shredding, or other means of changing their shape, size, or chemical content without meeting the requirements of the waste tire program. For processing which had been approved by the cabinet before July 15, 1998, the person who had received the approval shall register within forty-five (45) days of July 15, 1998.
- (3) No person shall transport more than fifty (50) waste tires in Kentucky at a time, either in one (1) vehicle or more than one (1) vehicle managed by or operated under contract with that person, without meeting the requirements of the waste tire program, unless transported in accordance with subsection (5) of this section.
- (4) No person shall accumulate more than one hundred (100) waste tires in Kentucky at a time without meeting the requirements of the waste tire program, unless exempted by KRS 224.50-854 or accumulated in accordance with subsection (5) or (6) of this section. For accumulations of more than one hundred (100) tires not accumulated in accordance with subsection (5) or (6) of this section and existing on July 15, 1998, the person who has accumulated the tires shall register within forty-five (45) days of July 15, 1998.
- (5) A person making retail sales of new motor vehicle tires in Kentucky may accumulate up to one thousand (1,000) waste tires at the place where retail sales are made without registering as an accumulator as required by KRS 224.50-858, if the waste tires are stored in accordance with the requirements of KRS 224.50-860(3), (5), (6), (7), and (8), and stored on-site in a building, in an adjacent covered area, or closed container where public access is prohibited after business hours. The retailer

may transport the waste tires it accumulates at the place where retail sales are made without registering as a transporter as required by KRS 224.50-858 if the waste tires will remain in the retailer's possession until they reach their destination.

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

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 30, sec. 2, effective June 26, 2007. -- Created 1998 Ky. Acts ch. 529, sec. 4, effective July 15, 1998.