



Persons who generate, collect, process, dispose of or haul waste tires and persons who end use tire-derived product 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 and waste tires and tire derived product. 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 is a tire for any passenger vehicle, including any truck, weighing less than fifteen thousand pounds, and for any truck, including any truck tractor, trailer, or semitrailer, weighing more than fifteen thousand pounds; except that “tire” does not include:

- Tires that are recapped or otherwise reprocessed for use;
- Tires that are used for farm equipment exempt from sales and use taxes pursuant to Section 39-26-716, C.R.S.;
- A farm tractor or implement of husbandry exempt from registration pursuant to Section 42-3-104, C.R.S.

What Is a Waste Tire?

A waste tire is a tire that is no longer mounted on a motor vehicle and is no longer suitable for use as a tire because the tire is worn, damaged, or does not meet the tire manufacturer’s original specifications. Waste tire includes the following types of tires:

- Tires that are not organized for resale by size in a rack or stack in a manner that allows for the inspection of each individual tire;
- A repairable tire;
- A scrap tire;
- An altered waste tire;
- A used tire.

A waste tire does not include a tire-derived product or crumb rubber.

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 Section 8 – Beneficial Use Table 3:

Proposals for those 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 listed below.

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 greater than ten (10) waste tires: Persons beneficially using whole waste tires may only accept them from a registered Waste Tire Hauler for quantities 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 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.

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 onsite 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 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.

Illegal Waste Tire Cleanup Grant Fund

- The grants are for the removal of whole waste tires that have been disposed of illegally. Grant funds can be used to pay for the removal, recycling and transport of whole waste tires to a state or county approved storage, disposal or recycling facility.

For more information please contact:

Colorado Department of Public Health and Environment
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530

Customer Technical Assistance Line:
(303) 692-3320
(888) 569-1831 ext. 3320 toll-free
E-mail: comments.hmwmd@state.co.us
Website: <http://www.cdphe.state.co.us/hm/>

This guidance is intended to serve only as guidance to persons beneficially using whole waste tires 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.