

Proposed Waste Tire Regulation

Senate Bill 186

- Approved unanimously by Senate
- Approved 29-12 by Assembly
- Signed By Gov. Gibbons May 28, 2009
- Effective October 1, 2009

Senate Bill 186 enacts the first law that bans a recyclable material from a municipal solid waste landfill in Nevada.

Senate Bill 186

Bans the disposal of passenger car tires in landfills that accept municipal solid waste

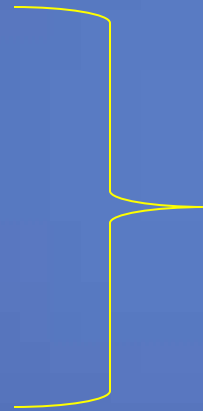
Landfills

- Three types of landfills

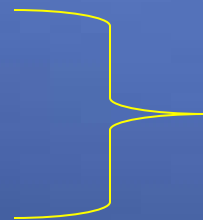
- Class I

- Class II

- Class III



Municipal Solid Waste



Industrial Solid Waste

Class I Landfills

- Municipal Solid Waste
 - Apex
 - Boulder City
 - Laughlin
 - Mesquite (Lincoln County)

Class III Landfills

- Industrial Waste Landfills
 - Western Elite (Lincoln County)
 - Approved for Waste Tires by NDEP
 - Wells Cargo (Clark County)
 - “[R]ubber tires” are prohibited

Senate Bill 186

1. SWMA must adopt regulations
2. Willful disposal a misdemeanor - NRS
444.509

SWMA Regulations, must...

1. Prohibit landfilling of a passenger car tire in a municipal solid waste landfill by new tire retailers and wholesalers.
2. Allow for the creation of a program to promote tire recycling and reuse.

SWMA Regulations, must...

3. Provide acceptable disposal alternatives to a municipal solid waste landfill.
4. Allow for the inspection of a “facility for the management of waste tires”.

SWMA Regulations, must...

5. Prohibit a “facility for the management of waste tires” from refusing a waste tire.
6. Establish storage and transportation requirements.

SWMA Regulations, must...

7. Allow for exemptions or waivers.
8. Provide an exemption for unintentional and inadvertent disposal.

SWMA Regulations, must...

9. Not prohibit the lawful disposal outside Clark County.
10. Provide a penalty for violation of the regulations.

3/22/10 Revision

Minor clarifications:

- Exempting junk-vehicle tires
- Waste tires & waste tire materials must be transferred to a permitted disposal site or used properly

Outreach

- 350 notices sent to waste tire generators
- 50+ notices sent to stakeholders
- 6 workshops
- Roundtable meeting with key stakeholders
- 100+ phone calls

Public Comment

- 25+ members of the public and industry stakeholders provided input
- 140+ comments received
- 90 pages of verbatim transcript

Public Comment

- Two themes:
 1. SB 186 intended to direct all tires that can be recycled in Clark County to Clark County recyclers.
 2. We support recycling but do not want to be placed in a situation where we are vulnerable to pricing whims, when safe disposal methods are available

Development

- Comply with SB 186
- Protective of public health, safety, and the environment
- Practical, user-friendly
- Provide flexibility to the solid waste management system

What the proposed regulations do

- Two-tier disposal ban:
 1. Ban passenger car tires (per SB 186)
 2. Ban WHOLE pneumatic tires
 - Exemption for off-road, golf-cart, bicycle, etc.
- Allow for exemptions or waivers

What the proposed regulations do

- Standards for waste tire management facilities
- Standards for waste tire haulers
- Record keeping for tire generators, haulers, disposal facilities

Concerns

1. Definition of Waste Tire should include motor vehicle tires.

Definition of “Waste Tire”

- A waste tire is a **passenger car tire** that is not suitable for its intended purpose because of wear, damage or defect....

...a waste tire is also a **used tire that is no longer in use...** and not intended for legitimate use.

Definition of “Waste Tire”

- Suggested change:
 - A waste tire is a motor vehicle tire that is not suitable...

Definition of “Waste Tire”

- A waste tire is a **passenger car tire** that is not suitable for its intended purpose because of wear, damage or defect....a waste tire is also a **used tire that is no longer in use...**

Concerns

2. Definition of “processing” should be stricken.

Definition of “Processing”

- “Processing means preparing a tire for recycling... or another method of disposal in landfill by chipping, splitting or otherwise altering the tire.” –NAC 444a.250
- Strike definition of “processing” all together.

Definition of “Processing”

- Suggested change:
 - Strike definition of “processing” all together.

Definition of “Processing”

- Strike definition of “processing” because:
 - The NAC predates the existence of a waste tire management facility in the Health District
 - If unchanged, this could be used as a blueprint for legalized diversion to avoid recycling

Definition of “Processing”

- Processing means preparing a waste tire for recycling, use as a fuel or disposal in a landfill by chipping, splitting, or otherwise altering the tire.

Definition of “Processing”

- Processing means preparing a ~~waste~~ tire for recycling, use as a fuel or another method of disposal ~~in a landfill~~ by chipping, splitting, or otherwise altering the tire.

Concerns

3. Crumb rubber should not be considered solid waste.

Crumb Rubber as Solid Waste

- Solid waste is any waste tire or material derived from waste tire, including but not limited to crumb rubber...

Crumb Rubber as Solid Waste

- Suggested change:
 - Crumb rubber should be excluded from the definition of solid waste.

Crumb Rubber as Solid Waste

- The intent is to ensure the ability of the SWMA to enforce regulations concerning material derived from waste tires including:
 - Handling procedures,
 - Storage limits, and
 - Financial assurance requirements.

Concerns

4. Waste tires generated in Clark County should be taken to an:
 - In-County recycler, or
 - Out-of-state recycler.

Export Limitations

- NRS 444.505.2(g) – [R]egulations... must NOT prohibit the lawful disposal of a waste tire outside the health district...

Export Limitations

- Suggested change:
 - Mandate that waste tires generated in Clark County go to a recycler, either in Clark County, or outside of Nevada.

Export Limitations

- The suggested ban would prevent tires from going to recyclers in other counties in Nevada.
- SB 186 requires SWMA regulation “not prohibit the lawful disposal of a waste tire outside the health district”.

Concerns

5. The two-tiered disposal standard should be dropped and all tires that are able to be processed should be banned, even when safe to landfill.

Two-tiered disposal standard

1. Ban passenger car tires (NRS 444.509)
2. Ban **WHOLE** pneumatic tires
 - Exemption for off-road, golf-cart, bicycle, etc.

Two-tiered disposal standard

- Suggested change:
 - Maintain the ban on passenger car tires AND ban other locally recyclable tires without allowing these other, non-passenger car tires, to be processed and landfilled.

Concerns

6. Financial assurance

Financial Assurance

- Cost to the Health Authority to direct the closure of the facility including the contracting for waste tires and material derived from waste tires to be removed and disposed of in a Class I, II, or III landfill.
- The resale value of equipment, waste tires, or material derived from waste tires may not be considered.

Financial Assurance

- Suggested change:
 - Allow the resale value of equipment and waste tire material to lower the amount of financial assurance required.

Financial Assurance

- Support expressed in stakeholder meeting for financial assurance requirement which covers the highest cost of disposal, i.e., in a landfill.

Financial Assurance

- Value of recyclables rise and fall.
- No regulatory mechanism for seizure of material/equipment in case of abandonment.
- Material/equipment could collateralize a loan, SWMA would need primacy above all liens.

Effect on the public

- Tires might not be picked up curbside
 - Transfer station, MRF, waste tire management facility
- Increased fees when replacing tires

Effect on Used Tire Generators

- Disposal costs no longer guaranteed by municipal code
- Zoning compliance cost for additional waste tire bin
- Record keeping for tires
- Increased storage area needed

Effect on Solid Waste Management System

- Increase recycling rate by 0.2 – 0.5 percentage points
- Lower long-term maintenance costs at landfills
- Improved safety at landfills
- Potential for increase in illegal dumping

Proposed Regulations

- Meets all legal requirements.
- Common-sense compromises:
 - Broaden the tire disposal ban,
 - Consistent with broadly accepted standards.
- Protective of public health, safety, and the environment.