

ORDINANCE NO. 95-06

AN ORDINANCE CREATING A WASTE TIRE MANAGEMENT PLAN FOR FREMONT COUNTY; PROVIDING DEFINITIONS; PROVIDING HOW WASTE TIRES SHALL BE DISPOSED; PROVIDING FOR ILLEGAL TIRE PILES; PROVIDING FOR APPROVAL OF WASTE TIRE FACILITIES, INCLUDING APPLICATION REQUIREMENTS, SITE REQUIREMENTS, MANAGEMENT, CLOSURE, FINANCIAL ASSURANCE FOR SUCH FACILITIES, AND DENIAL OR SUSPENSION OF FACILITY APPROVAL; PROVIDING FOR REGISTRATION OF WASTE TIRE HAULERS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING A RESERVED SECTION FOR WASTE TIRE DEALERS' FEES, ACCOUNTS AND USE OF FUNDS; AND, PROVIDING FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

1-0 DEFINITIONS

Account - The Waste Tire Account as established in section 7-0.

Altered Waste Tire - A waste tire is no longer whole, including waste tires that have been chopped or shredded.

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.

County - One of five State of Idaho counties including: Clearwater, Idaho, Latah, Lewis, and Nez Perce counties.

Department - North Central District Health Department.

Director - The director of the Department of Health and Welfare or his designee.

District - The area of north Central District Health Department's jurisdiction which includes: Clearwater, Idaho, Latah, Lewis and Nez Perce counties.

Facility Approval - A written authorization issued by the, or its designated agency, authorizing a person or entity to construct, install, or operate facilities and conduct specific activities subject to conditions.

Illegal Tire Pile - The storing, stockpiling, accumulation, or disposing of five thousand (5,000) or more waste tires at

one location without Facility Approval or exemption by the County, or its designated agency.

Passenger and Light Truck Tire - Any motor vehicle tire with a rim diameter of twelve (12) inches through sixteen (16) inches.

Recyclable Tire - 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.

Registered Tire Pile - A location where 1,000 to 5,000 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.

Retreader - A person who accepts passenger, light truck and truck tires and retreads such tires and is registered with the County, or its designated agency.

Waste Tire - 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.

Waste Tire Collection Site - A site where 5,000 or more waste tires are collected before being offered for recycling or reuse.

Waste Tire Dump - A location where 1,000 to 5,000 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.

Waste Tire Facility - 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 month period.

Waste Tire Hauler - Any person transporting more than fifty (50) waste tires.

2-0 USE OF WASTE TIRES

- (1) 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.

- (2) The following are acceptable methods of waste tire disposal:
 - (a) Retreading
 - (b) Incinerating for use as fuel, as permitted by Idaho law.
 - (c) Chopping or shredding prior to reuse.
 - (d) Grinding for use in asphalt or as a raw material for other products.
 - (e) Retaining walls.
 - (f) Using as playground equipment and gravel.
 - (g) Mats for use in dwellings, horse trailers, playgrounds, etc.
 - (h) Landfill cover (shredded tires only).
 - (i) Construction of collision barriers.
 - (j) Soil drainage
 - (k) Soil additive
- (3) The County may authorize other methods of management and/or disposal of waste tires.

3-0 ILLEGAL TIRE PLIES

- (1) 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 acceptable time frame established by the County.
- (2) Owners of property and/or operators of facilities on which unapproved or unauthorized tire piles 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.
- (3) 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.

4-0 APPROVAL REQUIREMENT

A. WASTE TIER 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 5,000 or less waste tires in which case only a registration would be obtained.
 - (c) 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 1,000 to 5,000 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 operations 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 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 by section 4-0 C, for site requirements, section 4-0 D, for facility management, section 4-0 E, for facility closure, and section 4-0 F, for financial assurance.

C. SITE REQUIREMENTS FOR FACILITY APPROVAL

- (1) Waste tire facilities shall not be constructed, maintained or operated in or within two hundred (200) feet of any public waters or in any wetlands area.
- (2) Surface water drainage shall be directed around and away waste tires.
- (3) Waste tire facilities shall not be located in a 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. FACILITY MANAGEMENT

- (1) Facility access and security
 - (a) Signs- If the facility receives waste tires from sources other than the operator of the site, a sign shall be posted at the facility entrance stating the name of the facility, the type of waste accepted, operating hours, site rules, and the emergency contact phone number.
 - (b) Attendant - An attendant shall be present during business hours if the facility receives tires from persons other than the operator of the facility.
 - (c) Access - Access roads to and within the facility must be all-weathered. Unauthorized access to the facility must be strictly controlled.
- (2) Fire prevention and control
 - (a) All facilities shall comply with local, state, and federal fire regulations.
 - (b) A fire plan shall be developed and maintained at the facility and shall be available upon request. The fire plan shall be submitted to the Fire District or State Fire Marshall for comment.

- (3) Vector Control
All waste tires shall be stored in a manner which prevents the breeding and harborage of mosquitoes, rodents, and other vectors by any of the following means:
 - (a) Use of treatments or methods approved by the County to prevent or eliminate vector breeding.
- (4) Record Keeping - All facilities shall keep the following records:
 - (a) Copy of the Facility Approval
 - (b) Copies of hauler registrations from those hauling tires to their facility.
 - (c) Logs of any operational problems including flood, vectors, fires, or complaints, and descriptions of the response by the facility.
 - (d) Records shall be available upon request to the County.
- (5) Storage - Waste tires may be stored outside or inside or a combination of both.
 - (a) All waste tires shall be stored in an orderly fashion.
 - (b) Drainage structures shall be provided to divert the flow of surface water run-on and run-off from where waste tires are located.
 - (c) Waste tires shall not remain or be stored in standing water.
 - (d) Waste tires may be stored in trailers provided the trailers fully contain the tires and the trailers are covered to exclude snow and rainwater.

E. 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.
 - (1) The site shall be graded to prevent ponding of water and to conform to surface features of adjacent properties.
 - (2) Seeding and revegetation 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 by section 4-0 F.

(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 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, or process tires shall close as directed by the County.

F. 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 a approved end - use or disposal facility.
- (b) Destination Charge - The 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 for 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.
- (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 county 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.

G. 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 4-0 F.
 - (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.

5-0 WASTE TIRE HAULER REGISTRATION

- (1) Every person who transports waste tires shall obtain waste tire hauler registration from the County, unless otherwise exempted.
- (2) Exemptions - Persons are exempted from waste tire hauler license if:
 - (a) Person is transporting fewer than 50 waste tires at one time.
 - (b) Person is a local, state, or federal government.
 - (c) Person is a tire retailer transporting waste tires to a location for repair or exchange.
 - (d) Person is transporting waste tires from another state, traveling through Idaho, without loading or unloading waste tires within Idaho.
 - (e) Person is a permitted solid waste operator transporting tires as part of solid waste handling activities.
 - (f) Person is an agricultural operation using tires for an agricultural purpose.
 - (g) Person is a tire retreading facility who uses company owned vehicles to transport waste tires for the purpose of retreading.
- (3) Registration requirements for hauler registration shall include:
 - (a) Name, address, telephone number(s) of applicant's business.
 - (b) Name, address, telephone number(s) of tire facilities to which they haul.
 - (c) Haulers shall register annually with the County.
- (4) Waste tire haulers transporting to facilities in Idaho shall transport waste tires to an authorized facility.
- (5) Persons or facilities shall accept waste tires only from registered waste tire haulers or exempt individuals.

6-0 ENFORCEMENT

- (1) The North Central District Health Department is authorized and directed to fully enforce the following sections:
 - (a) Section 2-0, Use of Waste Tires
 - (b) Section 3-0, Illegal Tire Piles
 - (c) Section 4-0, Approval Requirements, with the exception that Section 4-0, F, Financial

Assurance, shall be enforce by the County.
(d) Section 5-0, Waste Tire Hauler Registration

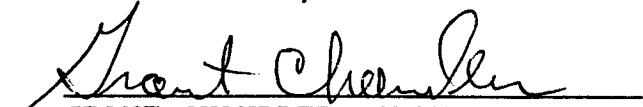
- (2) Violation of any regulation hereunder, shall be a misdemeanor. If the violation has not been corrected within three (3) days after the citation has been issued or arrest made by the proper enforcing officer, said violation shall constitute a new and separate offense. All such violations shall be punishable as provided in section 18-113 Idaho Code, and as such will be enforced by Fremont County.

7-0 WASTE TIRE DEALER FEE, ACCOUNT, AND USE OF FUNDS
(Reserved.)

8-0 EFFECTIVE DATE

This ordinance shall be in full force and effect, after its passage and publication, as provided by law.

PASSED THIS 23 DAY OF October, 1995, BY THE
BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO.


GRANT CHANDLER, CHAIRMAN

ATTEST:


MICKIE FUNKE, CLERK