



## **Guidance for Projects Involving the Beneficial Use of Used or Scrap Tires**

This document is intended to be used as guidance for persons considering or currently operating projects involving the beneficial use of used or scrap tires. This document is guidance only and does not constitute the approval or authorization to conduct beneficial use projects.

### **A. What is a beneficial use of used or scrap tires?**

A beneficial use of used or scrap tires is a project that employs used or scrap tires for purposes not otherwise governed by Texas state laws or the rules of the TCEQ. A beneficial use project must put the tires to use and must not be for the purpose of storing, dumping, or disposing of the tires. Some uses of used or scrap tires, which are regulated by the TCEQ, such as “Land Reclamation Projects Using Tires” (insert hyperlink to LRPUR page), do not qualify as a beneficial use project because rules regulating such an activity are already in place. Additionally, a beneficial use project must not conflict with rules regarding Municipal Solid Waste ( See 30 TEX. ADMIN. CODE ch. 330).

### **B. When is a project a beneficial use?**

It is the responsibility of the person initiating a project using used or scrap tires to insure that such activity is not in conflict with State, Agency, or local laws, regulations, or requirements. Additionally, the activity can not interfere with a another person’s use and enjoyment of their property. The following criteria will be used by the Executive Director to determine whether the project is a beneficial use:

- The activity for which tires are being used is not regulated by the TCEQ.
- The beneficial use of the tires is not limited to disposal of the tires.
- The project does not present a potential fire hazard. For more information, please contact your local Fire Marshal
- The project does not presents a potential vector problem, but if it does, proper vector control measures have been incorporated into the operation of the project. **NOTE:** A vector is an agent, such as an insect, snake, rodent, bird, or animal capable of mechanically or biologically transferring a pathogen from one organism to another.
- The tires are managed in such a manner that they do not migrate from the project site. (Tires should be securely anchored when used in the construction of a project.)
- The project does not violate local regulations, ordinances, or requirements. (The project should be approved by the local authorities that have jurisdiction over such a project.)

- The project does not violate State regulations or requirements.
- The project does not pose an actual or potential endangerment to public health and safety or to the environment.

Any project that does not meet the above criteria may be in violation of local or state regulations and your project may be considered an unauthorized disposal of municipal solid waste. Unauthorized disposal of municipal solid waste may initiate formal enforcement actions by the TCEQ, with administrative penalties not to exceed \$10,000 per day per violation. You may need to contact your local regional office for additional information and/or guidance.

**NOTE:** The storage of tires is governed by 30 Texas Administrative Code Chapter 328. Any tires not currently part of the beneficial use project may be considered “stored” tires and subject to regulation. This includes tires that will be used in the beneficial use project, but have not yet been incorporated into the project. If you store tires on your property or site of operation, you may meet the definition of a storage facility. If this is the case, you are required to comply with the provisions of 30 Texas Administrative Code Chapter 328, or enforcement for violations of the Texas Administrative Code may be initiated against you. Operating a storage site without the required registration may initiate formal enforcement actions by the Agency, with Administrative penalties not to exceed \$10,000 per day per violation.

Once the beneficial use project has been abandoned, the tires must be disposed of properly. Failure to do so can result in violations of 30 Texas Administrative Code § 330.15, with administrative penalties not to exceed \$10,000 per day per violation.

For additional assistance, please contact Cynthia Hackathorn at (817) 588-5817.