

Limits on Tire Storage at Auto Salvage Yards



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Description: This document discusses the maximum number of tires that can be stored at an auto salvage yard, without a solid waste storage license being required by the department. Section 289.55, Wis. Stats., the department's storm water permits, and the Waste and Materials Management Program's priorities are considered.

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Question: Is a salvage yard allowed to store up to 500 tires or up to 1300 tires without a storage license? Section NR 502.05, Wis. Adm. Code, does not specify a minimum number of tires, which are subject to that rule. However, s. 289.55(3)(c), Wis. Stats., indicates that storage of 500 tires at auto salvage yards is presumed not to be a nuisance. In addition, the Best Management Practice for the storm water permit developed for the Cooperative Compliance Program (CCP) for the auto salvage yard industry references a maximum of 1300 motor vehicle tires may be stored in compliance with the BMP.

Answer: A salvage yard involved in the CCP may store up to 1,300 motor vehicle tires without a solid waste storage license. Further background information follows for those in need of further explanation.

Background: Both the 500 and 1,300-tire limit are valid and they do not conflict. Here's the explanation:

Section 289.55, Wis. Stats., provides the department with authority to order the abatement of a nuisance caused by a tire dump. Subsection 289.55(3), Wis. Stats., states that the overall s. 289.55, Wis. Stats. does not apply to certain situations and sites that are listed. Paragraph (c) of that subsection states that s. 289.55, Wis. Stats. does not apply to "A premises where tires are removed from motor vehicles in the ordinary course of business if no more than 500 waste tires are kept on the premises at one time." The 500-tire threshold does not mean that a storage pile containing over that number is presumed to be a nuisance. It does suggest that there is little need for the department to regulate these facilities by requiring a license under s. NR 502.05, Wis. Adm. Code.

The department's storm water permits reference "best management practices" (BMPs) and for auto salvage yards, one of the BMPs that is specified is that they not store more than 1,300 waste tires or roughly one semi load. A salvage yard storing up to 1,300 tires in a nuisance free manner (e.g. in a semi-trailer or a separate pile, which presents no unreasonable fire or mosquito threat) is complying with the BMP and would not appear, as a matter of Program priorities, to warrant requiring licensure under s. NR 502.05, Wis. Adm. Code. A salvage yard storing more than 1,300 tires would not be complying with the BMP and the Cooperative Compliance Program. It would need a solid waste storage license, unless the tire storage met one of the other exemption criteria in s. NR 502.05, Wis. Adm. Code. A salvage yard that stores more than 1,300 tires, even though it would not be in compliance with the CCP, would not necessarily be automatically creating a nuisance or be automatically in violation of its storm water permit.

Contact 608/266-2111 or DNRWasteMaterials@Wisconsin.gov for further information.

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