



Rules of
Department of Natural Resources
Division 80—Solid Waste Management
Chapter 8—Scrap Tires

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**Title 10—DEPARTMENT OF
NATURAL RESOURCES**

**Division 80—Solid Waste Management
Chapter 8—Scrap Tires**

10 CSR 80-8.010 Waste Tires—First-Stage Permits

(Rescinded December 30, 1997)

*AUTHORITY: sections 260.225 and 260.270, RSMo (Cum. Supp. 1990). Emergency rule filed Dec. 21, 1990, effective Jan. 1, 1991, expired April 30, 1991. Original rule filed Dec. 21, 1990, effective July 8, 1991. Amended: Filed March 17, 1992.** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Rescinded: Filed April 16, 1997, effective Dec. 30, 1997.*

***The Missouri Supreme Court in Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al., Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this amendment. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this amendment as well as a proposed rescission of this amendment which became effective August 30, 1997. See the above authority section for filing dates.*

10 CSR 80-8.020 Scrap Tire Collection Centers and End-User Registration

PURPOSE: This rule contains the requirements for scrap tire collection centers and end-user registration.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo. Additional definitions specific to this rule are as follows:

(A) A scrap tire collection center is a site

where scrap tires are collected prior to being offered for recycling or processing and where fewer than five hundred (500) scrap tires are kept on-site at any time.

(B) A scrap tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

1. A tire no longer suitable for its original intended purpose due to wear is a tire with exposed cord or tread depth less than two thirty-seconds of an inch (2/32") when measured in any major groove.

2. Any tire that is discarded with the intent of final disposal is also a scrap tire.

3. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire cut in half circumferentially; sidewalls removed from tread; or cut into at least three (3) parts with no part being larger than approximately one-third (1/3) of the original tire's size.

4. A shredded or chipped tire, for the purposes of disposal in a permitted solid waste disposal area, is a scrap tire that has been reduced to parts no larger than that defined in the definition of a cut tire.

(C) A passenger tire equivalent (PTE), for the purposes of calculating the amount of tires, equals twenty (20) pounds.

(D) A scrap tire that has been reduced to parts no larger than one-half inch (1/2") nominal is not a scrap tire.

(2) General Requirements. Scrap tire collection centers shall—

(A) Be used only for the proper and temporary storage of scrap tires to be removed for recovery or processing or for temporary storage at a permitted scrap tire processing facility or for permanent disposal at a permitted solid waste disposal area;

(B) Be in compliance with the requirements of the department's Clean Water Law, Chapter 644, RSMo, and implementing regulations; and

(C) As a tire retailer or other business that generates scrap tires, use a scrap tire hauler permitted by the state of Missouri, except that businesses may haul such scrap tires without a permit, if such hauling is performed without any consideration (monetary or non-monetary compensation) and such business maintains records on the scrap tires hauled as required by section (5) of this rule.

(3) Applicability.

(A) Exemptions. The following are not regulated as scrap tire collection centers provided that pollution, a public nuisance, or a health hazard is not created and provided the tires are stored according to the requirements of section (4) of this rule:

1. A person collecting or storing less than twenty-five (25) scrap tires at any time;

2. Warranty tires or new defective tires stored by tire retailers and wholesalers prior to transit to the wholesaler or manufacturer for adjustment credit or return;

3. Tires that are to be reused without further processing as vehicle tires (reused for the original intended purpose) that are separated from scrap tires within thirty (30) days of receipt at a scrap tire collection center, provided these tires are stored in compliance with the requirements of section (4) of this rule and are not stored outside for more than one (1) year;

4. Any new-tire retailer or new-tire wholesaler may hold more than five hundred (500) scrap tires for a period not to exceed thirty (30) days if such tires are stored according to requirements in section (4) of this rule;

5. Any person licensed as an auto dismantler and salvage dealer under Chapter 301, RSMo may store up to five hundred (500) scrap tires that have been cut, chipped or shredded, if such tires are only from vehicles acquired by him/her. Auto dismantlers and salvage dealers must arrange for the proper disposal of the scrap tires to take place within thirty (30) days and keep appropriate documentation of the disposal arrangements which shall be made available to the department upon request. In no case shall more than five hundred (500) scrap tires be stored for more than thirty (30) days unless the auto dismantler and salvage dealer is permitted as a scrap tire processor;

6. Retreadable tire casings held in inventory by tire retreaders for retreading that are stored separately from other scrap tires, provided these tires are stored in compliance with section (4) of this rule and provided they are not stored outside for more than one (1) year; or

7. Tires stored in conjunction with a department-approved or nonprofit cleanup if the scrap tires are stored for a period not to exceed thirty (30) days are exempt from this rule.

(B) Underground storage of scrap tires requires a permit as a solid waste disposal area and compliance with the requirements of 10 CSR 80.

(4) Storage Requirements.

(A) Fire Protection. A scrap tire collection center shall comply with the fire protection requirements of this subsection.

1. The owner or operator of a scrap tire collection center shall provide written evidence from the local fire protection agency that indoor or outdoor storage of whole or



processed scrap tires complies with the currently applicable local or state fire protection standards, or store scrap tires at least forty feet (40') from buildings and property lines where practical.

(B) Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire collection center shall use an alternate method to correct the vector problem.

(5) Record Keeping Requirements

(A) The owner/operator of a scrap tire collection center shall maintain records, on forms provided by or approved by the department for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. Scrap tire collection centers shall also maintain records of vector control activities.

(B) The owner/operator of a scrap tire end-use facility shall maintain records pursuant to section 260.270.3(5), RSMo.

AUTHORITY: sections 260.225 and 260.270, RSMo 2016. Original rule filed Jan. 3, 1991, effective July 8, 1991. Amended: Filed March 17, 1992.** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Amended: Filed April 16, 1997, effective Dec. 30, 1997. Amended Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed June 7, 2018, effective Feb. 28, 2019.*

**Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995 and 260.270, RSMo 1990, amended 1995, 2002, 2005.*

***Missouri Supreme Court in Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al., Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this amendment. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this amendment as well as a proposed rescission of this amendment which became effective August 30, 1997. See the above authority section for filing dates.*

10 CSR 80-8.030 Scrap Tire Hauler Permits

PURPOSE: This rule sets forth requirements for obtaining a permit as a scrap tire hauler.

(1) Applicability.

(A) Definitions. Definitions for key words used in this rule may be found in section 260.200, RSMo and 10 CSR 80-8.020(1).

(B) Permit Exemptions. The following persons are not required to obtain a permit to haul scrap tires provided that pollution, a public nuisance or a health hazard is not created:

1. A person who does not haul for consideration (monetary or non-monetary compensation) or commercial profit;

2. A person hauling warranty tires or new defective tires to the retailer, wholesaler or manufacturer for adjustment credit or return; or

3. A person hauling scrap tires which have been generated at his/her own business or residence, provided that this transportation is done using his/her own employees and vehicles.

(2) Scrap Tire Hauler Permit Requirements.

(A) Permit Application. A person applying for a scrap tire hauler permit shall submit the following information to the Missouri Department of Transportation, Motor Carrier Service, PO Box 893, Jefferson City, MO 65102-0893.

1. A completed application form provided by the Missouri Department of Transportation.

2. Other information deemed necessary by the Missouri Department of Natural Resources and the Missouri Department of Transportation to ascertain compliance with sections 260.200 through 260.345, RSMo and implementing rules.

3. A nonreturnable scrap tire hauler permit fee in the amount of one hundred dollars (\$100) shall be submitted with the completed application form and be in the form of a check or money order made payable to the Department of Natural Resources.

(B) Application Review, Approval, and Denial. The Missouri Department of Natural Resources and the Missouri Department of Transportation will review applications submitted under this rule. The Missouri Department of Transportation shall approve the application and issue a permit or deny the application.

(C) Permit Issuance, Suspension and Revocation. A scrap tire hauler permit issued pursuant to this rule is valid for a period of one (1) year unless suspended or revoked by the

Missouri Department of Transportation. A scrap tire hauler permit may be revoked or suspended for noncompliance with the provisions of sections 260.200 through 260.345, RSMo or corresponding rules.

(3) Operating Requirements.

(A) Record Keeping.

1. During periods when a vehicle contains scrap tires, a scrap tire hauler shall maintain the current permit inside in the vehicle.

2. Record Keeping Requirements. A scrap tire hauler shall maintain tracking and summary reports on forms provided by or approved by the department. The tracking report(s) shall be filled out for each load delivered to an approved destination and include all applicable collection and receiver data. The reports shall be made available to the Department of Natural Resources upon request or at the time of an inspection.

3. All records shall be kept for at least three (3) years. The period of record retention extends upon the written request of the Department of Natural Resources or automatically during the course of any unresolved enforcement action regarding the regulated activity.

(B) Destination. A permitted scrap tire hauler shall transport scrap tires to—

1. A solid waste disposal area or transfer station permitted by the Department of Natural Resources;

2. A solid waste processing or scrap tire processing facility permitted by the Department of Natural Resources;

3. A scrap tire collection center;

4. A permit-exempt facility, provided the scrap tires are stored and/or processed in compliance with 10 CSR 80-8.050(5); or

5. Out-of-state (provided that transport and the final destinations are in compliance with the requirements of that state).

(C) Scrap tires sorted from used tires shall not be stored in excess of seven (7) consecutive days.

(D) Scrap tire haulers shall notify the Missouri Department of Natural Resources, Scrap Tire Unit and Missouri Department of Transportation, Motor Carrier Service within thirty (30) days of any change of address, phone number, type and number of vehicles, or destination of tires hauled.

AUTHORITY: sections 260.225, 260.270, and 260.278, RSMo 2016. Original rule filed Jan. 3, 1991, effective July 8, 1991. Amended: Filed March 17, 1992.** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the*



1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Amended: Filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed June 7, 2018, effective Feb. 28, 2019.

*Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995, 2015; 260.270, RSMo 1990, amended 1995, 2002, 2005; and 260.278, RSMo 1995, amended 2005.

**The Missouri Supreme Court in *Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al.*, Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this amendment. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this amendment as well as a proposed rescission of this amendment which became effective August 30, 1997. See the above authority section for filing dates.

10 CSR 80-8.040 Waste Tire Site Permits (Rescinded September 30, 2007)

AUTHORITY: sections 260.225 and 260.270, RSMo Supp. 1996. Original rule filed Jan. 3, 1991, effective July 8, 1991. Amended: Filed March 17, 1992.** Emergency rescission of the 1992 amendment filed March 19, 1997, effective April 1, 1997, expired Sept. 27, 1997. Rescission of the 1992 amendment filed April 3, 1997, effective Aug. 30, 1997. Amended: Filed April 16, 1997, effective December 30, 1997. Rescinded: Filed Jan. 2, 2007, effective Sept. 30, 2007.

**The Missouri Supreme Court in *Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al.*, Case No. 78628, dated February 25, 1997, ordered the secretary of state to publish this amendment. The Missouri Department of Natural Resources subsequently filed an emergency rescission of this amendment as well as a proposed rescission of this amendment which became effective August 30, 1997. See the above authority section for filing dates.

10 CSR 80-8.050 Scrap Tire Processing Permits

PURPOSE: This rule contains the requirements for scrap tire processing facility permits.

(1) Definitions. Definitions for key words

used in this rule may be found in section 260.200, RSMo and 10 CSR 80-8.020. Additional definitions specific to this rule are as follows:

(A) A scrap tire processing facility is a site where tires are reduced in volume by shredding, cutting, buffing, chipping, baling, or otherwise altered to facilitate recycling, resource recovery, or disposal. A person who operates mobile or stationary scrap tire processing equipment is a scrap tire processing facility under this rule;

(B) A scrap tire site is a site at which five hundred (500) or more scrap tires are accumulated. No new scrap tire sites shall be permitted by the department after August 28, 1997, unless they are located at permitted scrap tire facilities ; and

(C) A mobile scrap tire processor is a scrap tire processing operation that provides scrap tire removal services for the abatement of scrap tire sites, or for scrap tire collection centers by operating mobile scrap tire processing equipment at remote locations, and that does not store whole or processed scrap tires at any location at any time.

(2) General Requirements.

(A) This rule is intended to provide minimum requirements for operation of a scrap tire processing facility and a mobile scrap tire processor. If techniques other than those listed in this rule are to be used, it is the obligation of the owner/operator to demonstrate to the department in advance that the techniques to be employed satisfy the requirements. Detailed processing facility and operational plans shall be submitted to the department in writing and approved by the department in writing prior to being employed. The techniques utilized shall not result in pollution, a public nuisance, or a health hazard.

(B) Scrap tire processing facilities and mobile scrap tire processors shall be in compliance with the requirements of the department's Clean Water Law, Chapter 644, RSMo and implementing regulations.

(C) Permitted scrap tire processing facilities are to be used only for the proper and temporary storage of scrap tires.

(3) Applicability.

(A) Permit Exemptions. The following persons are not required to obtain a scrap tire processing permit provided that pollution, a public nuisance, or a health hazard is not created and provided the tires are stored according to the requirements of section (5) of this rule:

1. Processing facilities with less than twenty-five (25) tires at the facility at all times;

2. Any collection center which exclusively processes scrap tires generated solely at the collection center, provided that the processing is done using the collection center's employees and processing equipment and provided the processing takes place at the collection center where the scrap tires are generated; and

3. Any collection center that contracts with a permitted scrap tire processing facility for the processing and proper disposal of scrap tires generated solely at the collection center.

(B) Any scrap tire processing facility or mobile scrap tire processor not specifically exempted under subsection (3)(A) is required to be permitted under this rule.

(4) Scrap Tire Processing Facility Permit Application.

(A) A person desiring to establish, maintain, or operate a scrap tire processing facility shall submit an application to the department in triplicate hardcopies or one (1) electronic on forms provided by the department. Scrap tire processing facilities, as defined in section 260.200(38), RSMo and this rule, are not authorized to operate unless permitted by the department.

(B) An application for a scrap tire processing facility permit shall be sent to the Missouri Department of Natural Resources, Solid Waste Management Program, PO Box 176, Jefferson City, MO 65102-0176. The application shall consist of:

1. A completed Scrap Tire Processing Facility Permit Application form which will be provided by the department;

2. Detailed site plans and operational plans containing the information necessary to comply with the storage and record keeping requirements of this rule, including:

A. An estimate of the inventory of scrap tires that can be processed or used in six (6) months of normal and continuous operation. This estimate shall be based on the volume of tires processed or used by the facility in the last year, or the manufacturer's estimated capacity of the processing equipment. This estimate may be increased when new equipment is obtained by the owner of the facility and may be reduced if equipment used previously is removed from active use;

B. Topographic and boundary surveys prepared by a registered land surveyor showing contour intervals of ten feet (10') or less, having a scale of not less than one inch equals four hundred feet (1"=400'), and including all existing and proposed storage areas and structures;

C. A map showing the land use and zoning within five hundred feet (500') of the



property boundaries, including the location of all residences, buildings, utilities, and easements and having a scale of not less than one inch equals four hundred feet (1" = 400'); and

D. Detailed plans containing the information necessary to comply with the closure requirements and financial assurance instrument requirements of this rule;

3. A contingency plan designed to minimize the hazards to human health and the environment from fires, runoff of contaminants resulting from fires and from mosquitoes in case of failure of the primary method of vector control. The contingency plan shall include, but not be limited to, the following items, as applicable:

A. The actions site personnel take in response to fires, runoff resulting from fires, and vector control;

B. An evacuation plan for site personnel in case of fire; and

C. Evidence that the fire contingency plan has been provided to the local fire and police departments;

4. Plans for final disposition of the scrap tires;

5. Evidence of compliance with the department's Clean Water Law, Chapter 644, RSMo, and implementing regulations;

6. Evidence of compliance with local zoning requirements;

7. Evidence of property ownership;

8. Explicit written authorization from the property owner, if different from the applicant, for land use for scrap tire storing and processing operations; and

9. Nonreturnable processing facility permit fee of two hundred dollars (\$200). The fee shall be paid by certified check or money order made payable to the Missouri Department of Natural Resources.

(C) The applicant shall reimburse the department for all permit review costs incurred by the department up to a maximum of two thousand dollars (\$2,000). The department will submit a bill to the applicant for review costs incurred after completion of the investigation of the original application. Payment must be received before the permit will be issued. Permit review costs include: permit application review time and costs associated with site visits.

(D) Application Review, Approval and Denial. The department will complete an investigation of the application to determine compliance with the requirements of sections 260.200–260.345, RSMo, and corresponding rules, and render a decision to the applicant. When the investigation reveals that the scrap tire processing facility application either:

1. Complies with the provisions of sec-

tions 260.200–260.345, RSMo, and corresponding rules, the department will approve the application and issue a permit; or

2. Does not comply with the provisions of sections 260.200–260.345, RSMo, and corresponding rules, the department will issue a written denial to the applicant, including the reasons for denial.

(E) Permit Issuance, Suspension, Revocation and Modification.

1. A permit for a scrap tire processing facility will be issued to the owner/operator for the life of the facility.

2. A scrap tire processing facility permit may be revoked or suspended for noncompliance with the provisions of sections 260.200–260.345, RSMo or corresponding rules.

3. The department may, at any time during the life of the permit, open and modify or alternately revoke the permit and require the permittee to comply with any currently applicable federal, state or local requirements.

(5) Storage Requirements.

(A) Fire Protection.

1. The owner or operator of a scrap tire processing facility shall provide written evidence from the local fire protection agency that indoor and outdoor storage of whole or processed scrap tires complies with the currently applicable local or state fire protection standards. Scrap tires stored outdoors must be at least forty feet (40') from buildings and property lines. Scrap tire piles shall not exceed one hundred feet (100') by fifty feet (50') by ten feet (10') high in size.

(B) Runoff Protection. Surface water drainage shall be diverted around and away from scrap tires.

(C) Location. Scrap tire processing facilities shall not be located in a wetland, sinkhole or floodplain (unless protected against at least the one hundred (100)-year design flood by impervious dikes or other appropriate means to prevent the flood waters from contacting the scrap tires).

(D) Site Control. Scrap tire processing facilities shall be fenced or enclosed or otherwise made restricted and include signage posted to prohibit unauthorized entry.

(E) Vector Control. Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire processing facility shall use an alternative method to correct the vector problem.

(F) Inventory. The inventory of unprocessed scrap tires on the premises of the facility shall not exceed the amount that can be used in six (6) months of normal and continuous operation. This amount is based on the

volume of tires used by the facility in the last year or the manufacturer's estimated capacity of the equipment used by the facility. The inventory of processed scrap tires on the premises of the facility shall not be more than twice the amount of unprocessed tires allowed by this rule.

(6) Record Keeping Requirements. The owner/operator of a scrap tire processing facility shall maintain all records required by this rule for at least three (3) years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request and include at least the following:

(A) Major operational problems, complaints, and difficulties;

(B) On forms provided by or approved by the department, the number of tires received each week, number of tires removed to final disposition each week, final disposition of removed tires, and the name and permit number, if applicable, of each scrap tire hauler bringing tires to or removing tires from the facility. This information shall be summarized monthly; and

(C) Records of Vector Control Activities. The records shall include the following:

1. If the larvicide/adulticide is applied by a registered pest control company, the name of the company, and the date of application; or

2. If the larvicide/adulticide is not applied by a registered pest control company, type(s) of larvicide/adulticide utilized, amount utilized, and date applied.

(7) Closure, Financial Assurance.

(A) Exemptions. The following are not required to establish a closure plan and financial assurance instrument provided that pollution, a public nuisance or a health hazard is not created and provided the scrap tires are stored according to the requirements of section (5) of this rule:

1. Mobile scrap tire processors permitted by the department;

2. Scrap tire processing facilities permitted by the department, at which less than five hundred (500) scrap PTE are stored at any time.

(B) Closure Plan Requirements.

1. Plans for closure of the scrap tire processing facility shall include methods, time schedules, and cost estimates for removal of all scrap tires and site clean-up and restoration activities. The cost estimates for the



amount of the financial assurance instrument shall be based upon the current costs of similar cleanups using data from actual scrap tire cleanup project bids received by the department to remediate scrap tire sites of similar size. The following shall be performed as a part of closure of a scrap tire processing facility:

A. Removal and clean-up plans and cost estimates. Scrap tires shall be removed from the site and taken to a Missouri facility that has obtained applicable permits from the department or taken out-of-state (provided that transport and final destinations are in compliance with the requirements of that state) as well as all other solid waste so as to provide a pleasing appearance;

B. Site restoration plans and cost estimates. Removal of any contaminated soil, debris, residue, and/or placement of cover and establishment of vegetation in a manner as to minimize erosion, control drainage, and provide a pleasing appearance;

C. The owner/operator must demonstrate in the closure plan that the estimate represents the maximum closure costs at any time during the active operation of the scrap tire site; and

D. The cost estimate(s) submitted with the closure plan shall contain an estimate in current dollars (based upon the current costs of similar cleanups using data from actual scrap tire clean-up project bids received by the department to remediate scrap tire sites of similar size) and an adjusted estimate for the succeeding five (5) years based on the projected rate of inflation. The rate of inflation used for this purpose is calculated by using the latest percent change in the Implicit Price Deflator for the Gross Domestic Product for the latest completed year, as determined by the United States Department of Commerce, Bureau of Economic Analysis. The adjusted cost estimate shall be used to determine the amount of the financial assurance instrument.

2. The owner/operator of a scrap tire processing facility shall notify the department in writing at least ninety (90) days prior to the date the owner/operator expects to begin closure and begin implementation of the closure plan within thirty (30) days after the closure date specified in the closure plan.

3. Owner/operators of a permitted scrap tire processing facility shall execute an easement with the department, which allows the department, its agents, or its contractors to enter the premises to complete work specified in the closure plan, to monitor or maintain the scrap tire site, or take remedial action. This easement will be terminated upon proper closure of the site.

4. If changes in the design and/or operation of a scrap tire processing facility make modifications in the closure plans or cost estimates necessary, modified closure plans and cost estimates shall be submitted to the department for approval prior to implementation of the changes.

(C) Financial Assurance Requirements.

1. A permit will not be issued until financial assurance instruments as required by subsection (7)(C) of this rule have been submitted and approved by the department.

A. Increasing and decreasing financial assurance instruments. The following shall apply to all financial assurance instruments as specified in paragraph (7)(C)2. of this rule except the financial test, corporate guarantee, and insurance. When the estimated closure cost increases, the amount of the financial assurance instrument shall be adjusted to cover the increase in the cost estimate. The owner/operator shall increase the amount of the financial assurance instrument within one hundred eighty (180) days of the increase in the estimate and submit written evidence of the increase to the director or obtain other financial assurance as specified in paragraph (7)(C)2. of this rule to cover the increase. If the current closure cost decreases and the owner/operator has received written approval from the director of this decrease, the owner/operator may decrease the amount of the closure financial assurance instrument.

B. Release of closure financial assurance instruments. The department will inspect a permitted scrap tire processing facility when notified by the owner/operator that the closure plan has been implemented. If the inspection reveals that the approved closure plan has been properly effected, the director shall authorize the release or proportional release of the financial assurance instrument submitted for closure and interest, if any.

C. Forfeiture of financial assurance instruments. If the owner/operator fails to properly implement the closure plan, the director will give written notice of the violation and order the owner/operator to implement the closure plan. If corrective measures approved by the director are not commenced within a specified and reasonable time, the director will order forfeiture of all or that part of the owner/operator's financial assurance instrument necessary to implement the closure plans. Any owner/operator aggrieved by a forfeiture order may appeal as provided in section 536.150, RSMo.

2. Financial assurance instruments. The requirements of subsection (7)(C) of this rule for financial assurance instrument(s) for closure may be satisfied by establishing a trust

fund or escrow account, securing a financial guarantee bond or a performance bond, obtaining an irrevocable letter of credit, insurance, or a combination of these as outlined in 10 CSR 80-2.030(4)(D).

AUTHORITY: sections 260.225 and 260.270, RSMo 2016. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Amended: Filed June 7, 2018, effective Feb. 28, 2019.*

**Original authority: 260.225, RSMo 1972, amended 1975, 1986, 1988, 1990, 1993, 1995, 2015 and 260.270, RSMo 1990, amended 1995, 2002, 2005.*

10 CSR 80-8.060 Scrap Tire End-User Facility Registrations (Rescinded August 30, 2018)

AUTHORITY: sections 260.225, RSMo 2000 and 260.270, RSMo Supp. 2006. Original rule filed April 16, 1997, effective Dec. 30, 1997. Amended: Filed Jan. 2, 2007, effective Sept. 30, 2007. Rescinded: Filed Dec. 29, 2017, effective Aug. 30, 2018.