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

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### Title 10—DEPARTMENT OF NATURAL RESOURCES Division 80—Solid Waste Management Chapter 8—Waste 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(Rescinded December 30, 1997)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 Rescinded: Filed April 16, 1997, effective Dec. 30, 1997.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 Waste Tire Collection Centers

PURPOSE: This rule contains the requirements for waste tire collection centers.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

#### (1) Definitions.

(A) A collection center is a site where waste tires are collected prior to being offered for recycling or processing and where fewer than five hundred (500) tires are kept on site on any given day.

(B) A waste 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 inch (2/32") when measured in any major groove.

2. A tire still mounted on a rim is not a waste tire, except as described in paragraph (1)(B)3.

3. Any tire that is discarded with the intent of final disposal is also a waste tire.

4. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a waste tire cut in half circumferentially 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.

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

#### (2) General Requirements.

(A) Waste tire collection centers shall be used only for the proper and temporary storage of waste tires. Waste tires shall be removed for recovery or processing or for temporary storage at a permitted waste tire site, waste tire processing facility or for permanent disposal at a permitted solid waste disposal area.

(B) The collection center must be in compliance with the requirements of the department's Clean Water Law, Chapter 644, RSMo and implementing regulations.

(C) All tire retailers or other businesses that generate waste tires shall use a waste tire hauler permitted by the department, except that business may haul such waste tires without a permit, if such hauling is performed without any consideration and such business maintains records on the waste tires hauled as required by section (5) of this rule.

(D) Tire retailers shall not be liable for illegal disposal of waste tires after such waste tires are delivered to a waste tire hauler, waste tire collection center, waste tire site, waste tire processing facility or waste tire end-user facility if such entity is permitted by the Department of Natural Resources.

#### (3) Applicability

(A) Exemptions. The following are not regulated as waste 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) waste tires;

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

3. Tires that are to be reused without further processing as vehicle tires (reused for the original intended purpose) that are separated from waste tires within thirty (30) days of receipt at a waste 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. Retreadable tire casings held in inventory by tire retreaders for retreading that are stored separately from other waste 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

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

(B) This rule shall pertain to whole, cut, shredded, baled or chipped waste tires.

(C) Underground storage of waste tires requires a permit as a solid waste disposal area and shall comply with the requirements of 10 CSR 80.

#### (4) Storage Requirements.

(A) Fire Protection. A waste tire collection center shall be in compliance with the fire protection requirements of this subsection.

1. Whole waste tire storage shall meet the *Standard for Storage of Rubber Tires*, NFPA 231D, 1994 edition, adopted by the National Fire Protection Association which by this reference is incorporated into this rule.

2. Cut, chipped, baled or shredded waste tire storage shall meet the fire prevention, exposure protection and firefighting access guidelines contained in the *Standard for Storage of Rubber Tires*, NFPA 231D, 1994 edition, adopted by the National Fire Protection Association.

3. Indoor storage requirements are contained in NFPA 231D, 1994 edition. Outdoor storage requirements are contained in NFPA 231D, Appendix C, 1994 edition. Copies of the NFPA standard may be obtained by contacting the NFPA, P.O. Box 9101, Quincy, MA 02269 (800-344-3555).

4. Alternately, the collection center may provide evidence that whole, cut, chipped,

baled or shredded waste tire storage is in compliance with the local fire code.

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

(C) 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 waste tire collection center shall use an alternate method to correct the vector problem. The owner/operator of a waste tire collection center storing tires shall use one (1) or more of the following methods of vector control:

1. Drain tires of water and keep them dry within a building, enclosed trailer or under a cover that is impermeable. The cover shall be maintained water impermeable;

2. Alter tires so they do not retain water:

3. Treat the tires with a larvicide and/or adulticide appropriate to prevent the development of mosquito larvae and pupae and repeat treatment as often as necessary to prevent this development, taking into account the effectiveness and life of the larvicide and/or adulticide utilized;

A. Larvicides and/or adulticides shall be applied in accordance with their labels, Chapter 281, RSMo and its implementing regulations.

B. The dimensions of the tire pile and the method of stacking the tires must allow for application of the larvicide and/or adulticide to all tires; and

4. Alternate methods of vector control must be approved by the department.

(5) Recordkeeping Requirements. The owner/operator of a waste tire collection center shall maintain records, on forms provided by the department, as required by this rule. All records required by this rule shall be kept 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. Collection center shall also maintain records of vector control activities.

AUTHORITY: sections 260.225 and 260.270, RSMo (Cum. 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 Dec. 30, 1997.

\*Original authority: 260.225, RSMo (1972), amended 1975, 1986, 1988, 1990, 1993, 1995 and 260.270, RSMo (1990), amended 1995.

\*\*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.

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Rebecca McDowell Cook (11/30/97) Secretary of State

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#### 10 CSR 80-8.030 Waste Tire Hauler Permits

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

#### (1) Applicability.

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(A) Definitions.

1. A waste tire is a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

A. 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 inch (2/32") when measured in any major groove.

B. A tire still mounted on a rim is not a waste tire, except as described in subparagraph (1)(A)1.C.

C. Any tire that is discarded with the intent of final disposal is also a waste tire.

D. A cut tire, for the purposes of disposal in a permitted solid waste disposal area, is a waste tire cut in half circumferentially 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.

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

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

1. A person who does not haul for consideration or commercial profit;

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

3. A person hauling waste 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) Waste Tire Hauler Permit Requirements.

(A) Permit Application. A person applying for a waste tire hauler permit shall submit, by certified mail, the following information to the Missouri Department of Natural Resources, Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102. This information must be submitted to the department at least thirty (30) days prior to expiration of the permit.

1. A completed application form provided by the department. The information submitted shall include the following: A. The name, address and telephone number of the person in whose name the permit is to be issued;

B. The geographic area served by the hauler;

C. The approximate number or weight of waste tires transported per month;

D. The number and type(s) of vehicles used to haul waste tires;

E. The location(s) to which waste tires are to be hauled, including name(s), address(es) and phone numbers of the receiving facility(ies);

F. The drivers license number of each driver or, in the case of persons regulated through the United States Department of Transportation (DOT), the number the DOT has issued to the applicant; and

G. Other information deemed necessary by the department to ascertain compliance with sections 260.200 through 260.345, RSMo and implementing rules.

2. A nonreturnable waste tire hauler permit fee in the amount of one hundred dollars (\$100) shall be submitted with the completed application form. The fee shall 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 department shall review applications submitted under this rule and shall approve the application and issue a permit or shall deny the application. In the event that an application is denied, the department shall issue a written report to the applicant stating the reasons for the denial.

(C) Permit Issuance and Revocation. A waste tire hauler permit issued pursuant to this rule shall remain valid for a period of one (1) year unless revoked by the department. A waste tire hauler permit may be revoked or suspended for noncompliance with the provisions of sections 260.200—260.345, RSMo or corresponding rules.

(D) A person who has, within the preceding twenty-four (24) months, been found guilty or pleaded guilty to a violation of section 260.270, RSMo which involves the transport of waste tires may not be granted a permit to transport waste tires unless the person seeking the permit has provided to the department a performance bond or letter of credit as provided under this subsection.

1. The bond or letter shall be conditioned upon faithful compliance with the terms and conditions of the permit and section 260.270, RSMo and shall be in the amount of ten thousand (\$10,000) dollars.

2. Such performance bond, placed on file with the department, shall be in one (1) of the following forms:

A. A performance bond, payable to the department and issued by an institution authorized to issue such bonds in this state; or

B. An irrevocable letter of credit issued in favor of and payable to the department from a commercial bank or savings and loan having an office in the state of Missouri.

3. Upon determination by the department that a person has violated the terms and conditions of the permit or section 260.270, RSMo, the department shall notify the person that the bond or letter of credit shall be forfeited and the moneys placed in an appropriate subaccount of the Solid Waste Management Fund, created under section 260.330, RSMo for remedial action.

4. The department shall expend whatever portion of the bond or letter of credit necessary to conduct resource recovery or nuisance abatement activities to alleviate any condition resulting from a violation of section 260.270, RSMo or the terms and conditions of a permit.

5. The requirement for a person to provide a performance bond or a letter of credit under this rule shall cease for that person after two (2) consecutive years in which the person has not been found guilty or pleaded guilty to a violation of section 260.270, RSMo.

(3) Operating Requirements.

(A) Recordkeeping.

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

2. Record Keeping Requirements. A waste tire hauler shall maintain tracking and summary reports as required by the department or on similar forms or in a similar format that has been preapproved by the department. The tracking report(s) shall be filled out for each load delivered to an approved destination and shall include all applicable collection and receiver data. They shall be submitted to the Department of Natural Resources, Solid Waste Management Program, P.O. Box 176, Jefferson City, MO 65102 by the fifteenth of each month after the date the tires were delivered to their destination.

3. All records required by this rule shall be kept 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. (B) Destination. A permitted waste tire hauler shall transport waste tires to—

1. A registered waste tire end user provider that the end user is in compliance with all applicable state and federal laws and regulations;

2. A solid waste disposal area or transfer station approved or permitted by the department;

3. A solid waste processing or waste tire processing facility permitted by the department;

4. A waste tire site permitted by the department;

5. A waste tire collection center;

6. A permit-exempt facility, provided the waste tires are stored and/or processed in compliance with 10 CSR 80-8.020(4); or

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

(C) Mixed Loads. No tires shall be transported with other material on one vehicle if it could result in a hazardous combination likely to cause explosion, fire or release of a dangerous or toxic gas or in violation of any applicable state or federal law or regulation.

(D) Any person permitted as a waste tire hauler shall notify the department within thirty (30) days of any change of address, phone number, type and number of vehicles, or destination of tires hauled. Registered or certified mail sent to a permitted hauler with proper postage and last known address that is returned unclaimed shall be considered adequate notification of notice served. Refusal to accept mail is a violation of these regulations.

AUTHORITY: sections 260.225, 260.270 and 260.278, RSMo (Cum. 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 Dec. 30, 1997.

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I, the undersigned, certify that the information contained herein is true and comple of waste tires will comply with the requirements of the Missouri Solid Waste Mana any false or fraudulent information in the application or of failure to operate in com be revoked after due notice from the Missouri Department of Natural Resources.	gement Law and Rules. I understand that in the event of
SIGNATURE (APPLICANT OR AUTHORIZED REPRESENTATIVE)	DATE
PRINT NAME AND TITLE	
MO 780-1280 (4-97)	