

**Administrative Procedures Act Rules**

**Title 11: Mississippi Department of Environmental Quality**

**Part 4: Nonhazardous Solid Waste Management Regulations**

**Part 4, Chapter 4: Mississippi Commission on Environmental Quality Waste Tire Management Regulations**

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*Rule 4.1 Applicability.*

- A. Except as provided in Rules 4.1.(B), (C), (D), and (E), these requirements shall apply to persons who store, process, or dispose of waste tires.
- B. Waste tire generators which chop, cut, shred or vertically slice waste tires that they generate in a manner consistent with Rule 4.4(B), on the site of generation, in order to facilitate recycling, resource recovery, or disposal at an approved waste tire disposal site are exempt from the permitting requirements of Rule 4.4(A).
- C. Any tire retailer, tire wholesaler, motor vehicle dismantler, or salvage dealer who owns or operates a waste tire collection site is exempt from the requirements of Rule 4.3(A) if the site does not:
  - (1) hold more than five hundred (500) waste tires, or
  - (2) hold more than one hundred waste tires for a period exceeding ninety days.

- D. Facilities or businesses which receive reusable and/or waste tires for purposes such as retreading or resale are not considered to be waste tire processing facilities; however, such facilities that store more than 500 waste tires on site, or that store 100 or more waste tires for more than 90 days, shall be considered to be waste tire collection sites.
- E. Persons who propose to use waste tires for agricultural, erosion control and other purposes as approved by the Department are exempt from the authorization requirements of Rule 4.3(A) if the site does not store more than 500 waste tires, except as provided in Rule 4.7(C).

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401 *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, 49-2-1, *et seq.*

#### *Rule 4.2 Definitions*

- A. “Commission” means the Mississippi Commission on Environmental Quality.
- B. “Department” means the Mississippi Department of Environmental Quality.
- C. “Mobile waste tire processing equipment” means a mobile waste tire processing operation which does not operate at any one fixed facility for more than ninety (90) days annually.
- D. “Motor vehicle” means an automobile, motorcycle, trailer, semi-trailer, truck tractor and semi-trailer combination, farm equipment or any other vehicle operated on the roads of the state, used to transport persons or property, and propelled by power other than muscular power, but does not include traction engines, road rollers, earth movers, graders, loaders, and other similar construction equipment requiring oversized tires, any vehicles which run only upon a track, bicycles or mopeds. For purposes of this article, “farm equipment” means any vehicle which uses tires having the following designations: I-1, I-2, I-3, R-1, R-2, R-3, F-1, F-2, and Farm Highway Service.
- E. “Reusable tire” means a whole tire which has been specifically separated from waste tires for and which is suitable for processing or resale for its original intended purpose. A used tire which appears to be suitable for its original intended purpose, but which has not been separated from waste tires for such purposes shall be considered to be a waste tire.
- F. “Tire” means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.
- G. “Waste tire” means a whole tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- H. “Waste tire collection site” means a site used for the storage of 100 or more waste tires.

- I. “Waste tire disposal site” means a site where tires are buried or incinerated in a manner that does not facilitate recycling, resource recovery, or reuse of the waste tires or its by-products.
- J. “Waste tire generator” means any person who produces or stores waste tires on property owned or leased by that person.
- K. “Waste tire hauler” means any person engaged in the collection and/or transportation of 50 or more waste tires for the purpose of storage, processing, or disposal or any person transporting waste tires for compensation.
- L. “Waste tire processing facility” means a site where tires are reduced in volume by shredding, cutting, chopping, or otherwise altered to facilitate recycling, resource recovery, or disposal. The term includes mobile waste tire processing equipment. Commercial enterprises processing waste tires shall not be considered solid waste management facilities.
- M. “Waste tire transporter” means any person engaged in the transportation of waste tires.

Source: Miss. Code Ann. §§ 17-17-1, et seq., 17-17-201, et seq., 17-17-401 et seq., 49-2-9(1)(b), 49-17-17(i), 49-17-1, et seq., and 49-2-1, et seq.

*Rule 4.3 Waste Tire Collection Sites.*

- A. (1) A person must obtain written authorization from the Department to operate a waste tire collection site. The person normally required to obtain authorization shall be the owner or leasee of the operation. In order to obtain authorization, a person must complete an application supplied by the Department, and comply with the applicable requirements and regulations.
- (2) In certain instances, the Permit Board may require that a permit be obtained to operate a waste tire collection site. In determining whether a permit should be required, the Permit Board shall consider the quantity of waste tires to be stored on site, the location of the site, and any other relevant factors which would warrant special concern. Where a permit is required, the same application shall be completed and the same process followed as required in Rule 4.3(A)(1), although the Department may require additional information as part of the application.
- (3) Persons operating waste tire collection sites which are not an integral part of a waste tire processing facility may obtain authorization or a permit only if the applicant is able to demonstrate with an executed contract or other document that each waste tire collected on site will be processed or removed within a reasonable time frame not to exceed 90 days.

B. A person operating a waste tire collection site in which waste tires are stored indoors shall comply with the following technical and operational standards:

- (1) Each waste tire storage pile shall have no greater dimensions than 25 feet wide and 50 feet long.
- (2) Storage clearance in all directions from roof structures shall not be less than 3 feet.
- (3) The width of main aisles between piles shall be not less than 8 feet.
- (4) Depending upon the number of tires to be stored at a facility and the location of the facility, an automatic sprinkler system may be required.
- (5) Storage clearance from the top of storage to sprinkler deflectors shall not be less than 3 feet.
- (6) Tires shall be stored clear of all blower and exhaust ducts.
- (7) Storage clearance from unit heaters, radiant spaceheaters, duct furnaces, and flues shall not be less than 3 feet in all directions.
- (8) Clearance shall be maintained to lights or light fixtures to prevent possible ignition.
- (9) Clearance shall be maintained to all entrance ways, exits, and fire doors.
- (10) The person operating the site shall control mosquitos and rodents so as to protect the public health and welfare and to prevent public nuisances. These actions may include periodic application of an approved mosquito controllant to the waste tire storage pile, the frequency of which should increase during warm/wet weather periods of the year.

C. A person operating a waste tire collection site in which waste tires are stored outdoors must comply with the following technical and operational standards:

- (1) Each waste tire storage pile shall have no greater dimensions than 15 feet high, 50 feet wide, and 100 feet long.
- (2) A minimum separation distance of 50 feet shall be maintained between waste tire storage piles as a fire lane. Access to the fire lane for emergency vehicles must be unobstructed at all times.
- (3) The site shall be kept free of grass, underbrush, and other potentially flammable vegetation at all times.

- (4) The person operating the site shall control mosquitos and rodents so as to protect the public health and welfare. These actions may include periodic application of an approved mosquito controllant to the waste tire stockpile, the frequency of which should increase during warm/wet weather periods of the year.
  - (5) Waste tire storage piles should generally be kept at least 50 feet from the adjacent property line. However, an alternate separation distance may be approved by the Department contingent upon such factors as date of facility establishment, quantity of waste tires stored, nature of business operations,
  - (6) surrounding property use, and other factors.
  - (7) Access to the site shall be controlled through the use of fences gates, natural barriers or other means.
- D. A person may receive approval to operate a waste tire collection site in which waste tires are stored in trailers, vans, or other mobile storage facilities.
- E. The Department shall establish the maximum storage capacity of waste tire collection sites on a site specific basis. A site shall normally not store more than 5,000 tires at any time. However, the waste tire storage limit may also be affected by such site specific conditions as the amount of storage area available, local laws or ordinances, the general land use of the surrounding properties and other pertinent factors. The Department may consider requests for approval of storage limits in excess of 5,000, provided that the person operating the site can adequately demonstrate that such an increase will not result in problems of mosquito breeding, harborage of rodents, potential fire hazards or compliance problems.
- F. Persons who operate waste tire collection sites at which reusable tires are separated from waste tires for processing or resale for their original intended purpose shall store the reusable tires in a manner consistent with Rules 4.3(B) and 3(C) of these requirements. Furthermore, such tires shall be removed from the collection site on a frequency sufficient to prevent problems of mosquito breeding, harborage of rodents, potential fire hazards or compliance problems.
- G. All waste tires shall either be processed or removed from the site within a reasonable time frame not to exceed 90 days. The Department may approve an alternate storage duration contingent upon the quantity of waste tires stored and other operating conditions of the facility.
- H. If the waste tire collection site receives tires from persons other than the operator of the site, a sign shall be posted at the entrance of the site stating operating hours. An attendant shall be present at the site at all operating hours of the facility.

- I. Fire protection services for the waste tire collection site shall be assured through notification of local fire protection authorities and compliance with any local fire codes or ordinances.
- J. In the event that a fire should occur at the site, the person operating the site shall initiate immediate action to extinguish the fire and to limit the off-site impact of said fire and shall notify the Department as soon as possible.
- K. A person operating a waste tire collection site shall comply with the transportation and certification requirements of the Waste Tire Transportation Regulations as adopted by the Commission.
- L. A person operating a waste tire collection site shall maintain the following records for a minimum of three years after the date of removal of the tires:
  - (1) for waste tire loads of five (5) or more received at the site, the name and waste tire hauler identification number of the hauler who delivered the waste tires to the facility and the quantity of waste tires received from that hauler; or the name, address, and telephone number of the waste tire transporter and the quantity of tires received from that transporter;
  - (2) for waste tire loads of five (5) or more shipped from the site, the name and waste tire hauler identification number of the hauler who transported the tires from the site and the quantity of waste tires shipped with that hauler; or the name, address, and telephone number of the waste tire transporter and the quantity of tires shipped with that transporter;
  - (3) for waste tire loads of five (5) or less received or shipped from the site, the total monthly quantity of waste tires received and the total monthly quantity of waste tires shipped for all transporters; and
  - (4) where applicable, the quantity of reusable tires separated from incoming loads at the site and the retreading/resale facility to which they are shipped.
- M. A person operating a waste tire collection site which receives tires from persons other than the operator shall submit a monthly report on forms provided by the Department, detailing the information required by Rule 4.3(L) as well as other activities at the collection site. This monthly report shall be submitted to the Department before the 15th of the following month. The Department may waive this requirement for small local government waste tire collection sites.
- N. As a part of the application for an operating permit required pursuant to Rule 4.3(A), the applicant shall submit a closure plan which includes:
  - (1) a description of how and when the area will be closed;

- (2) the method of final disposition of any waste tires remaining on the site at the time notice of closure is given to the Department.
  - (3) Proof of financial responsibility pursuant to Rule 4.6 of these regulations.
- O. A person operating a waste tire collection site shall implement the closure plan required pursuant to Rule 4.3(N) and shall take the following actions to ensure that the site is properly closed upon cessation of operations:
- (1) notify the Department at least ninety (90) days prior to the date of expected closure.
  - (2) take action to prevent public access to the site;
  - (3) post a notice at the site indicating that the site is closed;
  - (4) take action to ensure that all tires at the site have been properly processed, disposed, or otherwise managed;
  - (5) take other appropriate remediation action at the site if deemed necessary by the Department; and
  - (6) notify the Department upon completion of the closure activity.
- P. No waste tires may be received by the waste tire collection site after the date of closure.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401 *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, and 49-2-1, *et seq.*

*Rule 4.4 Waste Tire Processing Facilities.*

- A. (1) Except as provided in Rule 4.4(A)(2), a person must obtain a waste tire management permit from the Permit Board in order to operate a waste tire processing facility. The person normally required to obtain a permit shall be the owner or lessee of the operation. In order to obtain a permit, a person must complete an application supplied by the Department, and comply with the applicable requirements and regulations. A waste tire management permit shall be issued in accordance with the permit procedures for solid waste management permits in Rule 1.2 of the Mississippi Nonhazardous Solid Waste Management Regulations.
- (2) A person operating mobile waste tire processing equipment where such equipment is moved from site to site must obtain authorization from the Department in order to operate the processing equipment. The person normally required to obtain a permit shall be the owner or lessee of the equipment. In order to obtain authorization, a person must complete an application supplied

by the Department, and comply with the applicable requirements and regulations.

- (3) A person operating a waste tire processing facility which is not an integral part of a solid waste landfill, waste tire disposal site, or waste tire recycling facility may obtain a permit only if the applicant is able to demonstrate with an executed contract or other document that the waste tires processed on site will be removed to a solid waste landfill, waste tire disposal site, waste tire recycling facility, or other site or facility approved by the Department. This requirement does not apply to persons operating mobile processing equipment in accordance with Rule 4.4(A)(2).

B. The following are permissible methods of waste tire processing:

- (1) Slicing vertically, resulting in each waste tire being divided into at least two (2) approximately equal donut-shaped halves;
- (2) Chopping or cutting of the waste tire into a minimum of four (4) approximately equal pieces.
- (3) Shredding or chipping into multiple pieces;
- (4) Grinding into crumbs;
- (5) Other methods as approved by the Commission.

C. Except for the conditions of Rules 4.3(A), (E) and (G) waste tire processing facilities shall comply with Rule 4.3 of these regulations for waste tire collection sites with regard to the storage of both waste and processed tires.

D. A waste tire processing facility may not accept waste tires for processing if it has reached its waste tire storage limit. The waste tire storage limit for processing facilities shall be established by the Department on a site specific basis, and shall be no more than 7 times the daily through-put of the processing site. (In determining the daily through-put of the processing facility the person operating the site should take into consideration the average through-put capacity of the processing equipment as well as expected downtime of the equipment.) The waste tire storage limit may also be affected by site specific conditions such as amount of storage space available, local government laws or ordinances, the use of the surrounding properties, and other pertinent factors. The Department may consider requests for storage limits in excess of the general waste tire storage limit, if the person operating the facility can adequately demonstrate that the storage site will be maintained in a manner that will preclude mosquito breeding, harborage of rodents, and potential fire hazards.

E. A waste tire processing facility may not exceed its processed tire storage limit. The processed tire storage limit shall be established by the Department on a site-specific



basis. If the storage of processed tires is necessary for recycling or reuse of the subject material, the processed tire storage limit shall generally be 30 times the daily through-put of the processing facility. If the processed tires are destined for disposal, the processed tire storage limit shall, as a minimum not exceed 7 times the daily through-put of the facility. These processed tire storage limits may also be affected by the degree of processing that the tire has undergone, the manner of storage proposed, storage space available, local government laws or ordinances, the general land use of the surrounding properties, and other pertinent factors. The Department may consider requests for storage limits in excess of the general processed tire storage limits, if the person operating the facility can adequately demonstrate that the storage pile will be maintained in a manner that will preclude mosquito breeding, harborage of rodents, potential fire problems and that storage of the processed tires is necessary for recycling or reuse of the subject material.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401 *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, and 49-2-1, *et seq.*

*Rule 4.5 Waste Tire Disposal Sites.*

- A. A person must obtain a permit from the Mississippi Environmental Quality Permit Board or from the Board's designee in order to operate a waste tire disposal site as described in Rule 1.2 of the Mississippi Nonhazardous Waste Management Regulations, subject to the provisions of Section 17-17-407 of the Mississippi Code Annotated. The person normally required to obtain a permit shall be the owner or operator of the facility. In order to obtain a permit, a person must complete an application supplied by the Department and comply with the applicable requirements and regulations.
- B. Persons who operate permitted solid waste landfills, approved rubbish disposal sites and/or approved waste tire monofills shall not accept whole waste tires for disposal. Processed tires which meet or exceed the conditions of Rule 4.4(B) of these regulations may be disposed of at said facilities as per the conditions of the Mississippi Nonhazardous Waste Management Regulations. Existing rubbish landfills which intend to accept processed tires must request authorization from the Department to accept said materials. This request must include, at a minimum, a description of the processed form in which the tires will be landfilled, the estimated amounts and sources of the tires, and a description of how the tires will be managed at the site.
- C. Persons who operate permitted solid waste landfills or rubbish sites may establish waste tire collection sites or waste tire processing facilities at or adjacent to said facilities subject to the conditions of Rules 4.3 and 4.4 of these regulations, the conditions of the Mississippi Nonhazardous Waste Management Regulations, and the conditions of the subject landfill facility's operating permit.
- D. Persons who operate landfill sites at which tires are monofilled or disposed of with rubbish materials shall comply with the following operational conditions:

- (1) The active waste disposal area shall be covered with 6 inches of dirt at least every two weeks. This cover frequency may be increased or decreased by the Department contingent upon such site specific conditions as the degree of processing that the waste tires have undergone, the availability of cover dirt, the site's performance history and other pertinent factors.
  - (2) Adequate fire prevention measures shall be taken at the site including notification of the local fire protection authorities and maintenance of an adequate dirt stockpile adjacent to the active disposal area as a fire extinguishment measure.
- E. Persons who operate incineration units, pyrolysis systems and other air emissions equipment which propose to burn processed tires shall comply with Rules 4.3(B),(C),(I),(J),(N) and (P), and 4.4(E) of these regulations regarding the storage of processed tires. Said facilities which burn whole waste tires shall comply with all of Rule 4.3, except Rule 4.3(E), and shall comply with Rule 4.4(D) of these regulations.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, and 49-2-1, *et seq.*

*Rule 4.6 Financial Responsibility Requirements.*

- A. Persons who operate waste tire collection sites or waste tire processing facilities shall estimate the costs of processing and disposal of the maximum number of waste tires/processed tires expected on site before closure of the facility, and must update such estimates annually, unless an alternate schedule is approved by the Department. Cost estimates must be approved by the Department. The costs shall be based on a third party performing the work, reported on a per unit basis. Such persons shall provide the Department with proof of financial responsibility issued in the amount of such approved estimate for closure of the facility. Proof of financial responsibility may include the following financial instruments: escrow accounts, surety bonds, including performance bonds or financial guarantee bonds; irrevocable letters of credit; certificates of deposit; securities; and other documents, approved by the Department. The financial instruments shall be issued by a surety company or financial institution licensed to do business in the State of Mississippi. Persons operating an authorized solid waste management landfill which includes a waste tire collection site/waste tire processing facility as a part of their operations and whose proof of financial responsibility for closure of the landfill is deemed adequate by the Department to cover closure costs of the waste tire collection site/waste tire processing facility, may not be required to submit new documentation of financial responsibility. The Department may, in its discretion, exempt certain persons from these financial assurance requirements based on the duration of the proposed project and the quantity of tires to be managed by the project.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, and 49-2-1, *et seq.*

*Rule 4.7 Agriculture, Erosion Control, or Other Uses of Waste Tires.*

- A. Waste tires which have been processed as described in Rule 4.4(B) may, upon the approval of the Department, be used for erosion control. The Department may consider requests to use tires which have been processed by other means on a site specific basis.
- B. Waste/processed tires used for agricultural and erosion control purposes shall be stored/stockpiled, while not in use, in a manner which precludes mosquito breeding problems, rodent harborage, and potential fire hazards.
- C. Waste/processed tires used for erosion control or other civil engineering purposes shall not remain stockpiled on site for more than 90 days unless a waste tire collection site permit is obtained.
- D. Waste/processed tires used for agricultural or other approved purposes shall upon completion of use be deposited for disposal or recycling at a properly permitted waste tire collection site, waste tire processing facility, or waste tire disposal site.
- E. The Department may approve other uses of waste/processed tires upon a site specific basis provided that the user can demonstrate that the waste tires will be managed properly and will either result in a legitimate end use of the waste tire or proper disposal upon completion of the subject project.

Source: Miss. Code Ann. §§ 17-17-1, *et seq.*, 17-17-201, *et seq.*, 17-17-401, *et seq.*, 49-2-9(1)(b), 49-17-17(i), 49-17-1, *et seq.*, and 49-2-1, *et seq.*