

Administrative Procedures Act Rules

Title 11: Mississippi Department of Environmental Quality

Part 4: Nonhazardous Solid Waste Management Regulations

Part 4, Chapter 5: Mississippi Commission on Environmental Quality Waste Tire Transportation Regulations

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Rule 5.1 Applicability.

- A. Except as provided in Rule 5.1(B), (C), (D) and (E), these requirements shall apply to waste tire generators, transporters, haulers, and the owners/operators of waste tire collection, processing and disposal sites concerning the transportation of waste tires in Mississippi, including instances where
 - (1) waste tires are transported into the State of Mississippi from out-of-state generators for the purposes of storage, processing, disposal, or retreading/ resale in Mississippi, or for transportation through the State to destinations outside Mississippi; and where
 - (2) waste tires originating in Mississippi are transported outside the State for the purposes of storage, processing, disposal or retreading/resale in another state.
- B. Certification requirements of Rules 5.3(A) and (B), 5.4(A), (B) and (C), and 5.6(A) and (B) shall not apply to:

- (1) tires that are provided for storage, processing, disposal or retreading/resale in quantities of five (5) or less by a person other than a waste tire collector, waste tire processor, or waste tire hauler, or
 - (2) tires transported within or into the State of Mississippi, where such tires were neither generated in the state nor destined for storage, processing, disposal, or retreading/resale in the state.
- C. The requirements of Rule 5.5(C) and (D) shall not apply to waste tire haulers when the tires being transported are neither generated in the state nor destined for storage, processing, disposal, or retreading/resale in the state.
- D. These requirements shall not apply to the transportation of reusable tires to facilities or businesses which process or sell such tires. However, for the purposes of these requirements all used tires shall be considered to be waste tires until such time that those tires which are reusable tires have been specifically separated from the waste tires.
- E. 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, may be considered to be waste tire collection sites.
- F. For purposes of this regulation, tires which have been cut, chopped, sliced, shredded or otherwise processed into multiple pieces shall be considered to be 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 5.2 Definitions.

- A. For purposes of this regulation, the following definitions apply:
- (1) "Department" means the Mississippi Department of Environmental Quality.
 - (2) "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.
 - (3) "Waste tire" means a whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
 - (4) "Waste tire collection site" means a site used for the storage of 100 or more waste tires.

- (5) "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.
- (6) "Waste tire generator" means any person who produces or stores waste tires on property owned or leased by that person.
- (7) "Waste tire hauler" means any person engaged in the collection and/or transportation of 50 or more waste tires for the purposes of storage, processing, or disposal or any person transporting waste tires for compensation.
- (8) "Waste tire processing facility" means a site where tires are reduced in volume by shredding, cutting, chipping 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.
- (9) "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 5.3 Waste Tire Generator Requirements.

- A. A waste tire generator providing waste tires for transportation to a facility for storage, processing, disposal, or retreading/resale shall complete and sign a certification form as provided by the Department certifying the following:
 - (1) the number of waste tires to be transported or in the event that the waste tires have been cut, chopped, sliced, shredded or otherwise processed into multiple pieces, the volume of processed waste tires to be transported;
 - (2) the county and state in which the tires were collected; and
 - (3) the name and address of the waste tire processing, storage, disposal or retreading resale facility for which the tires are destined.
- B. The waste tire generator, after completing all applicable portions of the certification form, shall provide the form to the person transporting the waste tires for his completion and signature, and shall retain a copy of the certification form signed by the waste tire generator and the waste tire transporter for at least three (3) years.
- C. The waste tire generator shall only allow a registered waste tire hauler who possesses a valid identification number pursuant to Rule 5.5(A) to collect and transport waste tires, if:

- (1) 50 or more tires are transported, or
- (2) if the transporter is compensated by the generator for such service.

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 5.4 Waste Tire Transporter Requirements.

- A. A waste tire transporter shall complete and sign the certification form initially completed by the waste tire generator, certifying the receipt of waste tires from the waste tire generator.
- B. The waste tire transporter shall not transport a waste tire load from the generator's site, unless the waste tire generator has completed and signed all applicable portions of the certification form.
- C. The waste tire transporter shall present the certification form to the owner/operator of a waste tire collection, processing, disposal or retreading/resale site at the time of delivery of the tires for storage, processing, disposal or retreading/resale and shall retain a copy of the completed certification form containing all signatures for at least three (3) years.
- D. Persons transporting wastes tires shall not deposit the tires for storage, processing, disposal or retreading/resale within the State of Mississippi except at an appropriately authorized waste tire collection, processing, disposal site, at a retreading/resale facility or at another facility approved by the Department to accept waste tires.
- E. A waste tire transporter who hauls 50 or more waste tires for storage, processing or disposal or who hauls tires for compensation shall obtain a valid identification number pursuant to Rule 5.5(A).

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 5.5 Waste Tire Hauler Requirements.

- A. From and after January 1, 1992, any waste tire hauler transporting waste tires within or into the state must register with the Department of Environmental Quality and obtain a waste tire hauler identification number. The Department may consider the compliance history of the applicant and may deny the issuance of an identification number if it finds that the applicant has committed significant or habitual violations of pollution control laws.
- B. Waste tire haulers shall submit a registration application to the Department to receive the waste tire hauler identification number. Proof of obtaining this identification number

shall be kept at all times on all vehicles used to transport waste tires. Registration applications should be submitted on forms as provided by the Department at least 14 days before the waste tires hauler intends to begin transporting waste tires. The waste tire hauler shall renew this registration by July 1 of each year after the initial registration and should submit the renewal application at least 30 days prior to the registration expiration date.

- C. A waste tire hauler shall record and maintain for three years the following information regarding its activities for each three month period of operation:
- (1) The approximate quantity of waste tires hauled
 - (2) Where or from whom the waste tires were received.
 - (3) Where the waste tires were deposited.

Records shall be available for inspection by Department personnel during normal business hours.

- D. Waste tire haulers shall submit to the Department an annual report that summarizes the information collected under Rule 5.5(C) above for the previous calendar year. The information shall be submitted on forms as provided by the Department. This report shall be submitted to the Department in conjunction with submittal of the annual renewal application, or if no renewal application is submitted, the report shall be submitted by July 1 after the calendar year.

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 5.6 Waste Tire Collection, Processing, and Disposal Site Requirements.

- A. The owner/operator of a waste tire collection, processing, or disposal site, retreading/resale facility, or other facility approved to accept waste tires shall not accept waste tires unless the waste tire transporter provides a certification form which has been completed and signed by both the waste tire generator and transporter.
- B. The owner/operator of a waste tire collection, processing, or disposal site, retreading/resale facility, or other solid waste management facility receiving waste tires shall sign the certification form and shall retain a copy of said form containing all signatures, for at least three years.
- C. The owner/operator of a waste tire collection, processing or disposal site, retreading/resale facility or other facility approved to accept waste tires shall not accept 50 or more waste tires from any person unless the transporter is a registered waste tire hauler who possesses a valid identification number pursuant to Rule 5.5(A).

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 5.7 Enforcement Authority and Penalties.

- A. Any person who fails to comply with this rule is subject to having their waste tire hauler identification number or waste tire collection, processing, or disposal site permit, approval, or authorization revoked, as well as other penalties provided by law.

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.