## ARTICLE 15. WASTE TIRE MANAGEMENT

### Rule 1. General Provisions

**329 IAC 15-1-1 Applicability**

Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-11-2; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

Sec. 1. (a) This article applies to the following:
(1) Waste tire processing operations as defined in IC 13-11-2-250.5.
(2) Waste tire storage sites as defined in IC 13-11-2-251.
(3) Waste tire transporters as defined in IC 13-11-2-252.
(4) Retailers as defined in IC 13-11-2-194(a) and other sources of waste tires.
(b) The provisions of 329 IAC 15-3 concerning waste tire storage site and waste tire processing operation certificates of registration do not apply to the following:
(1) A facility operated as a recycling facility under a valid permit issued by the commissioner.
(2) A site at which waste tires are stored under a recycling program approved by the commissioner.
(3) The site of a facility that is used to retread tires at which fewer than five thousand (5,000) waste tires are present indoors within a completely enclosed structure.
(4) A vehicle or container in which waste tires are stored for fewer than thirty (30) days.
(5) A vehicle:
(A) that is properly licensed;
(B) that is capable of legally transporting waste tires; and
(C) in which waste tires are completely enclosed.
(6) Other uses of waste tires approved by the commissioner under one (1) of the following:
(A) 329 IAC 10-3-1(16).
(B) 329 IAC 11-3-1(15).
(C) 329 IAC 12-3-1(15).

*(Solid Waste Management Board; 329 IAC 15-1-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 317; errata filed Sep 8, 2004, 3:30 p.m.: 28 IR 214; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-1-2 Enforcement**

Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-14-2-6; IC 13-14-10; IC 13-20-13-5.5; IC 13-20-14; IC 13-30-2; IC 13-30-3; IC 36-9-30

Sec. 2. This article is enforced under the following:
(1) IC 13-14-2-6.
(2) IC 13-14-10.
(3) IC 13-20-13-5.5.
(4) IC 13-20-14-5.6.
(5) IC 13-20-14-7.
(6) IC 13-20-14-8.
(7) IC 13-30-3.

*(Solid Waste Management Board; 329 IAC 15-1-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-1-3 Penalties**

Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-20-14-2; IC 13-30-2; IC 13-30-4; IC 13-30-5; IC 13-30-6; IC 13-30-7; IC 36-9-30

Sec. 3. (a) Penalties for violation of this article are provided for at IC 13-30-4, IC 13-30-5, IC 13-30-6, and IC 13-30-7.
(b) The penalty for a knowing violation of 329 IAC 15-6-1 is provided for at IC 13-20-14-2(c). *(Solid Waste Management Board; 329 IAC 15-1-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-*

*329050168FRA)*

**329 IAC 15-1-4 Variances**
Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-14-8-8; IC 13-30-2; IC 36-9-30

Sec. 4. The commissioner may grant a variance from compliance with provisions of this article in accordance with IC 13-14-8-8. *(Solid Waste Management Board; 329 IAC 15-1-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**Rule 2. Definitions**

**329 IAC 15-2-1 Applicability**
Authority: IC 13-19-3-1; IC 13-20-13-11; IC 13-20-14-6
Affected: IC 13-11-2; IC 13-30-2; IC 36-9-30

Sec. 1. The definitions in IC 13-11-2 apply to this article. In addition to the definitions in IC 13-11-2, the definitions in this rule apply throughout this article. *(Solid Waste Management Board; 329 IAC 15-2-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-2 "Altered waste tire" defined (Repealed)**

Sec. 2. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-3 "Customer" defined (Repealed)**

Sec. 3. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-4 "Disease vectors" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. "Disease vectors" means any rodents, flies, mosquitoes, or other animals, including insects, capable of transmitting micro-organisms and disease to humans and other animals. *(Solid Waste Management Board; 329 IAC 15-2-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 318; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-5 "Nuisance" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. "Nuisance" means one (1) or more of the following:
(1) Fugitive dust as defined in the rules of the air pollution control board at 326 IAC 6-4-1.
(2) Disease vectors.
(3) Uncontrolled litter.
(4) Odors.
(5) Fire.
(6) Fire hazard, evidenced by an order from the state fire marshal that the waste tire storage site or waste tire processing operation is not in compliance with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22.
*(Solid Waste Management Board; 329 IAC 15-2-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-6 "Operator" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 6. "Operator" means the person or persons responsible for the operation of all or part of a waste tire storage site or waste tire processing operation. *(Solid Waste Management Board; 329 IAC 15-2-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-7 "Owner" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 7. "Owner" means the person who owns all or part of a waste tire storage site or waste tire processing operation. *(Solid Waste Management Board; 329 IAC 15-2-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-8 "Passenger tire equivalent" or "PTE" defined (Repealed)**

Sec. 8. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-9 "Remanufactured tire" defined (Repealed)**

Sec. 9. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-9.5 "Retailer" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-194; IC 13-20-13-1; IC 13-30-2; IC 36-9-30

Sec. 9.5. "Retailer", as defined in IC 13-11-2-194(a), means a person engaged in the business of selling new tires at retail in Indiana. *(Solid Waste Management Board; 329 IAC 15-2-9.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-10 "Run-off" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 10. "Run-off" means any water or other liquid that drains over land from any part of the waste tire storage site or waste tire processing operation. *(Solid Waste Management Board; 329 IAC 15-2-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-11 "Storage" defined (Repealed)**

Sec. 11. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-12 "Transformed tire" defined (Repealed)**

Sec. 12. *(Repealed by Solid Waste Management Board; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-13 "Used tire" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 13. "Used tire" means a tire that meets all of the following criteria:
(1) The tire is suitable for use on a motor vehicle as follows:
(A) The tire has two thirty-seconds ($^{2}/_{32}$) inch of remaining tread, or the tire wear bars are not exposed.
(B) The tire has no cuts, slashes, or exposed cord.
(2) The tire is stored in a rack, stack, or row.
(3) The tire is stored out of the weather to prevent accumulation of water or precipitation in the tires.
*(Solid Waste Management Board; 329 IAC 15-2-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 319; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-13.2 "Waste tire" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250; IC 13-30-2; IC 36-9-30

Sec. 13.2. (a) "Waste tire", as defined in IC 13-11-2-250, means a tire that is not suitable for the tire's original purpose.
(b) A used tire that meets all criteria in section 13 of this rule is not a waste tire. *(Solid Waste Management Board; 329 IAC 15-2-13.2; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-13.3 "Waste tire processing operation" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-30-2; IC 36-9-30

Sec. 13.3. "Waste tire processing operation", as defined in IC 13-11-2-250.5, means an operation that processes waste tires by cutting, shredding, or grinding. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation. *(Solid Waste Management Board; 329 IAC 15-2-13.3; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-13.4 "Waste tire storage site" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-251; IC 13-30-2; IC 36-9-30

Sec. 13.4. "Waste tire storage site", as defined in IC 13-11-2-251, means a site at which at least:
(1) one thousand (1,000) waste tires are accumulated outdoors or within a structure that is not completely enclosed; or
(2) two thousand (2,000) waste tires are accumulated indoors within a completely enclosed structure.
*(Solid Waste Management Board; 329 IAC 15-2-13.4; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-13.5 "Waste tire transporter" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-252; IC 13-30-2; IC 36-9-30

Sec. 13.5. "Waste tire transporter", as defined in IC 13-11-2-252, means a person who engages in the business of:
(1) accepting waste tires from retailers; and
(2) transporting the waste tires to one (1) or more other locations.
*(Solid Waste Management Board; 329 IAC 15-2-13.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-14 "Wholesaler" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 14. "Wholesaler" means a person who sells new tires at wholesale in Indiana. *(Solid Waste Management Board; 329 IAC 15-2-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-2-15 "Whole waste tire" defined**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 15. "Whole waste tire" means a waste tire that is not an altered waste tire or a material derived from waste tires. *(Solid Waste Management Board; 329 IAC 15-2-15; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

## Rule 3. Waste Tire Storage Sites and Waste Tire Processing Operations

**329 IAC 15-3-1 Applicability**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. This rule applies to owners and operators of waste tire storage sites and waste tire processing operations. *(Solid Waste Management Board; 329 IAC 15-3-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-2 Requirements for waste tire storage sites**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 2. The owner or operator of a waste tire storage site shall:
(1) possess a valid certificate of registration issued under this rule;
(2) comply with all applicable requirements of this rule; and
(3) maintain financial assurance as required by 329 IAC 15-5.
*(Solid Waste Management Board; 329 IAC 15-3-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-3 Registration of waste tire storage sites**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21-3; IC 13-30-2; IC 36-9-30

Sec. 3. (a) An application for registration of a waste tire storage site must be submitted on a form provided by the department. The completed application form must contain all information requested on the form. The following must be submitted with the application form:
(1) A United States Geological Survey (USGS) seven and one-half (7 ½) minute topographic map or equivalent that shows the boundaries of the waste tire storage site.
(2) A legible map of the waste tire storage site that shows all of the following:
(A) Property boundaries.
(B) On-site buildings.
(C) Location, maximum length, maximum width, and maximum height of each waste tire storage area.
(D) Separation distances between waste tire piles.
(3) A description of the following:
(A) Buildings, signs, notices, and alarms to be used for management of waste tires at the facility.
(B) The program that will be used to manage waste tires at the facility, including the following:
(i) The anticipated sources and amounts of incoming waste tires.
(ii) The names and locations of the anticipated destinations of the waste tires.
(iii) The maximum number of waste tires that can be stored at the site at any time.
(iv) The method and schedule for the following:
(AA) Draining incoming waste tires.

(BB) Preventing waste tires from accumulating water.

(4) The contingency plan required by section 18 of this rule.

(5) The closure cost estimate required by 329 IAC 15-5-3.

(6) Evidence of the financial assurance mechanism to be used to comply with the financial assurance requirements in 329 IAC 15-5.

(7) The application fee required by IC 13-20-21-3.

(b) Before beginning accumulation of waste tires, the person who applies for a certificate of registration for a waste tire storage site shall submit a copy of the:

(1) completed application;

(2) contingency plan required by section 18 of this rule; and

(3) map of the waste tire storage site required by subsection (a)(2);

to the fire department with jurisdiction over the waste tire storage site.

(c) A separate certificate of registration is required for each waste tire storage site.

(d) A new certificate of registration is required for a waste tire storage site that is relocated.

(e) Registration under this rule does not guarantee that the waste tire storage site complies with applicable county or local ordinances. *(Solid Waste Management Board; 329 IAC 15-3-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 320; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-4 Fees for waste tire storage sites**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 4. The owner or operator of a waste tire storage site shall pay the fees required by IC 13-20-21. *(Solid Waste Management Board; 329 IAC 15-3-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-5 Requirements for waste tire processing operations**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. (a) The owner or operator of a waste tire processing operation shall:

(1) possess a valid certificate of registration issued under this rule; and

(2) comply with all applicable requirements of this rule.

(b) A waste tire processing operation that is under contract to the department to remove waste tires from a waste tire storage site is registered for the purposes of this article as long as that waste tire processing operation complies with the terms of the contract. *(Solid Waste Management Board; 329 IAC 15-3-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-6 Registration of waste tire processing operations**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21-3; IC 13-30-2; IC 36-9-30

Sec. 6. (a) An application for registration of a waste tire processing operation must be completed on a form provided by the department. The completed application form must contain all information requested on the form. The following must be submitted with the application form:

(1) A United States Geological Survey seven and one-half (7 ½) minute topographic map or equivalent that shows the boundaries of the waste tire processing operation.

(2) A legible map of the waste tire processing operation that shows the following:

(A) Property boundaries.

(B) On-site buildings.

(C) The location and dimensions of each area to be used to hold waste tires for processing.

(D) Separation distances between waste tire holding areas and the following:
(i) Buildings.
(ii) Fences.
(iii) Property boundaries.
(iv) Other waste tire holding areas.
(v) Other accumulated materials.
(3) A description of the following:
(A) Buildings, signs, notices, and alarms to be used to manage waste tires at the facility.
(B) The program that will be used to manage waste tires at the facility, including the following:
(i) The anticipated sources and amounts of incoming waste tires.
(ii) The names and locations of the anticipated destinations of the waste tires.
(iii) The method and schedule for the following:
(AA) Draining incoming waste tires.
(BB) Preventing waste tires from accumulating water.
(4) The contingency plan required by section 18 of this rule.
(5) A description of the measures the owner or operator will use to ensure that the operation will not accumulate either of the following:
(A) One thousand (1,000) or more waste tires at any time outdoors or in a structure that is not completely enclosed.
(B) Two thousand (2,000) or more waste tires indoors within a completely enclosed structure.
(6) The application fee required by IC 13-20-21-3.
(b) Except as provided in section 6.5 of this rule:
(1) a separate certificate of registration is required for each waste tire processing operation; and
(2) a new certificate of registration is required for a waste tire processing operation that is relocated.
(c) Registration under this rule does not guarantee that the waste tire processing operation complies with applicable county or local ordinances.
(d) Before beginning processing of waste tires, the person who applies for a certificate of registration for a waste tire processing operation shall submit a copy of the:
(1) completed application;
(2) contingency plan required by section 18 of this rule; and
(3) map of the waste tire processing operation required by subsection (a)(2);
to the fire department with jurisdiction over the waste tire processing operation. *(Solid Waste Management Board; 329 IAC 15-3-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; errata filed Oct 23, 2000, 9:50 a.m.: 24 IR 688; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-6.5 Mobile waste tire processing operations**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-20-13-4; IC 13-30-2; IC 36-9-30

Sec. 6.5. (a) Instead of following the requirements in section 6(b) of this rule, a waste tire processing operation may process waste tires at more than one (1) location under the same registration if the owner or operator does all of the following:
(1) Processes waste tires only from:
(A) existing registered or unregistered waste tire storage sites; or
(B) retailers or other sources of waste tires.
(2) Submits to the department all of the information required by section 6(a)(1) and 6(a)(2) of this rule for each location where waste tires are processed.
(3) Submits to the department the signature of the property owner for a particular location, as required by IC 13-20-13-4(a)(4), for each location where waste tires are processed.
(b) A waste tire processor who processes waste tires at more than one (1) location under this section shall do the following:
(1) Not process waste tires from a location other than the location where the waste tire processing operation is contracted or hired to operate.
(2) Obtain a separate registration under section 6 of this rule to process waste tires on property owned, leased, or otherwise

controlled by the owner or operator of the waste tire processing operation.
*(Solid Waste Management Board; 329 IAC 15-3-6.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-7 Fees for waste tire processing operations**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 7. The owner or operator of a waste tire processing operation shall pay the fees required by IC 13-20-21. *(Solid Waste Management Board; 329 IAC 15-3-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-7.5 Waste tire processing operations that accumulate 1,000 or more waste tires**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-11-2-250.5; IC 13-11-2-251; IC 13-30-2; IC 36-9-30

Sec. 7.5. A waste tire processing operation that accumulates one thousand (1,000) or more waste tires must do the following:
(1) Register as a waste tire storage site.
(2) Comply with all requirements for waste tire storage sites in this rule including the financial assurance requirements of 329 IAC 15-5.
*(Solid Waste Management Board; 329 IAC 15-3-7.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-8 Action on application**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 8. (a) The department issues a certificate of registration to a person who owns or operates a waste tire storage site that meets the following criteria:
(1) The owner or operator has submitted a completed application in accordance with section 3 of this rule.
(2) The waste tire storage site complies with the requirements of this article.
(3) The owner or operator has established financial assurance in compliance with 329 IAC 15-5.
(b) The department issues a certificate of registration to a person who owns or operates a waste tire processing operation that meets the following criteria:
(1) The owner or operator has submitted a completed application in accordance with section 6 of this rule.
(2) The waste tire processing operation complies with the requirements of this article.
*(Solid Waste Management Board; 329 IAC 15-3-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-9 Conditions included in a certificate of registration**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-13; IC 13-30-2; IC 36-9-30

Sec. 9. The commissioner may include conditions in a certificate of registration that ensure compliance with IC 13-20-13 and this article, including a compliance schedule. The owner or operator of a waste tire storage site or waste tire processing operation shall comply with all conditions included in the certificate of registration. *(Solid Waste Management Board; 329 IAC 15-3-9; filed Oct 10, 2000, 3:10 p.m.: 24 IR 321; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-10 Denial of certificate of registration**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-13-3; IC 13-30-2; IC 36-9-30

Sec. 10. The department may deny an application for a certificate of registration under this rule as provided for in IC 13-20-13-

3(d). *(Solid Waste Management Board; 329 IAC 15-3-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-11 Revocation or modification of certificate of registration**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-13-5.5; IC 13-30-2; IC 36-9-30

Sec. 11. The commissioner may revoke or modify a certificate of registration as provided for at IC 13-20-13-5.5. *(Solid Waste Management Board; 329 IAC 15-3-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-12 Duration**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 12. A certificate of registration issued under this rule expires on the earlier of the following dates:

(1) Five (5) years after the date the certificate is issued.

(2) The date the department notifies the owner or operator that final closure has been completed in accordance with section 21 of this rule.

*(Solid Waste Management Board; 329 IAC 15-3-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-13 Transferability**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 13. (a) A certificate of registration issued under this rule is not transferable to another person.

(b) A certificate of registration is valid only for the location described in the application for the certificate of registration. *(Solid Waste Management Board; 329 IAC 15-3-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-14 Renewal**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 14. (a) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an application for renewal of a certificate of registration at least sixty (60) days before the expiration date of the certificate.

(b) An application for renewal of a certificate of registration for a waste tire storage site must comply with section 3 of this rule.

(c) An application for renewal of a certificate of registration for a waste tire processing operation must comply with section 6 of this rule. *(Solid Waste Management Board; 329 IAC 15-3-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-15 Information submitted annually by a waste tire storage site**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 15. The owner or operator of a waste tire storage site shall submit the following to the department no later than January 31 of each year:

(1) The annual operation fee required by IC 13-20-21.

(2) The revised closure cost estimate required by 329 IAC 15-5-3(b).

(3) The annual tire summary required by section 20 of this rule.
*(Solid Waste Management Board; 329 IAC 15-3-15; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-16 Updating information**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 16. If the information provided in the application for the certificate of registration changes, the owner or operator of a waste tire storage site or waste tire processing operation shall provide the current information to the department no more than thirty (30) days after the information provided in the application for the certificate of registration changes. *(Solid Waste Management Board; 329 IAC 15-3-16; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-17 Waste tire management requirements**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-20-14-4; IC 13-30-2; IC 36-9-30

Sec. 17. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall operate that waste tire storage site or a waste tire processing operation in compliance with this section at all times.
(b) All wastewater from the waste tire storage site or waste tire processing operation must be discharged in accordance with the rules of the water pollution control board at 327 IAC 5 and 327 IAC 15. If wastewater is discharged to an on-site system, the system must be approved in accordance with the rules of the Indiana state department of health at 410 IAC 6-10.
(c) The waste tire storage site or waste tire processing operation must not do any of the following:
(1) Pose a threat to human health or the environment.
(2) Create a nuisance.
(d) Access to the waste tire storage site or waste tire processing operation must be allowed only when operating personnel are on duty. Access by persons who are not employees must be supervised at all times by the owner, the operator, or an employee of the waste tire storage site or waste tire processing operation.
(e) Subsection (d) does not apply to persons employed or contracted by federal, state, or local government agencies.
(f) The waste tire storage site or waste tire processing operation must maintain the following at the waste tire storage site or waste tire processing operation:
(1) A first aid kit.
(2) Fire extinguishing equipment that complies with the Indiana Fire Code as adopted by the fire prevention and building safety commission at 675 IAC 22.
(3) A telephone or other communication system capable of contacting the fire department and other emergency services.
(g) Salvaging must not:
(1) interfere with the operation of the waste tire storage site or waste tire processing operation; or
(2) create a nuisance or a health hazard.
(h) The owner or operator of a waste tire storage site or waste tire processing operation shall take all actions required to do the following:
(1) Prevent the breeding of mosquitoes.
(2) Control any mosquito population.
(i) The owner or operator of a waste tire storage site or a waste tire processing operation must not accept waste tires from a waste tire transporter that is not registered with the department in accordance with this article.
(j) The owner or operator of a waste tire storage site or waste tire processing operation shall prevent water from accumulating in waste tires by doing all of the following:
(1) Waste tires must be drained:
(A) on the day of receipt; and
(B) as necessary thereafter to prevent accumulation of water in the waste tires.
(2) Within seven (7) days after receipt, whole waste tires must be:

(A) altered or modified so that the tire cannot hold water by:
(i) shredding;
(ii) chopping;
(iii) drilling with holes and stacking to assure drainage; or
(iv) slitting longitudinally and stacking so the tires will not collect water;
(B) covered; or
(C) otherwise prevented from accumulating water.
(3) Waste tires must not be stored in areas of standing water.
(k) The owner or operator of a waste tire storage site shall only use a waste tire processing operation that is registered under this article to process waste tires at the waste tire storage site.
(l) Retailers and other sources of waste tires shall only use waste tire processing operations that are registered under this article to process waste tires they generate. *(Solid Waste Management Board; 329 IAC 15-3-17; filed Oct 10, 2000, 3:10 p.m.: 24 IR 322; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-18 Contingency plan**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 18. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall develop a contingency plan that complies with this section and is designed to minimize the hazards to human health and the environment from:
(1) fires or explosions;
(2) run-off resulting from fires or explosions; and
(3) mosquitoes that may breed in water accumulations in waste tires.
(b) The contingency plan must include the following:
(1) A description of the specific actions that site personnel must take in response to:
(A) fires or explosions;
(B) run-off resulting from fires or explosions; and
(C) mosquito breeding in waste tires.
(2) A list of the agencies to be notified in case of fire, explosion, or other emergency, with the telephone number of each agency. This list must include:
(A) the fire department with jurisdiction for the site;
(B) the county and municipal law enforcement agencies that have jurisdiction over the site;
(C) the department; and
(D) the office of the state fire marshal.
(3) A statement that the entities listed in subdivision (2) will be notified immediately after discovery of one (1) of the conditions listed in subdivision (1).
(4) A description of the methods to be used to control mosquito breeding in waste tires.
(5) The name and title of the emergency response coordinator.
(6) The telephone numbers used to contact the emergency response coordinator, and any other methods, such as alternate telephone numbers and pager numbers, to be used to contact the emergency response coordinator.
(7) The duties of the emergency response coordinator.
(c) A copy of the contingency plan and all revisions to the plan must be:
(1) maintained at the waste tire storage site or waste tire processing operation, or at an alternate location approved by the department in the certificate of registration; and
(2) submitted to all of the following within thirty (30) days of the date the certificate of registration is issued or the date the contingency plan is amended under subsection (e):
(A) The department.
(B) The fire department with jurisdiction over the waste tire storage site or waste tire processing operation.
(d) The contingency plan must be carried out immediately whenever there is:
(1) a fire, explosion, or run-off resulting from a fire or explosion; or
(2) evidence of mosquitos or other disease vectors breeding in waste tires.

(e) The owner or operator of the waste tire storage site or waste tire processing operation shall review and amend the contingency plan within thirty (30) days if any of the following occurs:

(1) A change in the operation of the waste tire storage site or waste tire processing operation requires a change in the actions required to control the hazards listed in subsection (a).

(2) The actions described in the plan fail to control the emergency situation when implemented.

(3) All or part of the contingency plan must be implemented in a manner different than described in the plan in an emergency.

(4) The list of emergency response coordinators changes.

(5) The department identifies deficiencies in the contingency plan and directs the owner or operator in writing to revise the contingency plan.

*(Solid Waste Management Board; 329 IAC 15-3-18; filed Oct 10, 2000, 3:10 p.m.: 24 IR 323; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-19 Emergency response coordinator**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 19. (a) The owner or operator of the waste tire storage site or waste tire processing operation shall ensure that at all times there is one (1) person responsible for coordinating all emergency response measures at the waste tire storage site or waste tire processing operation. If the owner or operator designates more than one (1) person to carry out this responsibility, each person designated must meet the requirements of this section.

(b) An emergency response coordinator must:

(1) be at the waste tire storage site or waste tire processing operation or on call at all times;

(2) coordinate all emergency response measures carried out by the waste tire storage site or waste tire processing operation;

(3) be familiar with:

(A) all aspects of the contingency plan;

(B) the identity and telephone numbers of the fire department and other emergency services that have jurisdiction over the site;

(C) all operations and activities at the site;

(D) the layout of the waste tire storage site or waste tire processing operation; and

(E) the location of all records required by section 20 of this rule; and

(4) have authority to commit resources needed to implement the contingency plan.

*(Solid Waste Management Board; 329 IAC 15-3-19; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-20 Record keeping and reporting**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 20. (a) The owner or operator of a waste tire storage site or a waste tire processing operation shall keep the following records:

(1) Copies of the transporter manifest forms prepared in accordance with 329 IAC 15-4-14.

(2) A copy of the certificate of registration.

(b) The owner or operator of a waste tire storage site or waste tire processing operation shall submit an annual tire summary to the department by January 31 of each year. The annual tire summary must cover the preceding calendar year. The annual tire summary must be submitted on the form provided by the commissioner and must include all information requested on the form.

(c) The annual tire summary must be signed by:

(1) the owner or operator; or

(2) a person designated by the owner or operator who is responsible for preparing and reviewing those documents as part of the person's duties in the regular course of business.

(d) The owner or operator of the waste tire storage site or waste tire processing operation shall do the following:

(1) Keep a copy of all waste tire manifests received from waste tire transporters for one (1) year.

(2) Make the waste tire manifests available at the waste tire storage site or waste tire processing operation during normal business hours for inspection and photocopying by the department.

*(Solid Waste Management Board; 329 IAC 15-3-20; filed Oct 10, 2000, 3:10 p.m.: 24 IR 324; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-3-21 Final closure**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 21. (a) Final closure of a waste tire storage site or waste tire processing operation is completed when all of the following occur:

(1) All storage and processing of waste tires has stopped.
(2) All equipment used in the waste tire storage site or waste tire processing operation has been removed.
(3) All waste tires have been:
  (A) collected;
  (B) removed from the site; and
  (C) disposed of properly in accordance with this article.
(4) All solid waste resulting from:
  (A) operation of the waste tire storage site or waste tire processing operation; and
  (B) any fire or explosion at the waste tire storage site or waste tire processing operation;

has been disposed of properly.

(b) The commissioner notifies the owner or operator of the waste tire storage site in writing that final closure has been completed and financial responsibility required by 329 IAC 15-5 is no longer required to be maintained. *(Solid Waste Management Board; 329 IAC 15-3-21; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**Rule 4. Waste Tire Transporters**

**329 IAC 15-4-1 Requirements for waste tire transporters**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-4; IC 13-30-2; IC 36-9-30

Sec. 1. (a) A person who transports waste tires shall:

(1) register with the department as a waste tire transporter;
(2) hold a valid certificate of registration issued under this rule;
(3) comply with this article; and
(4) comply with any conditions in the certificate of registration.

(b) The requirements for registration of waste tire transporters in this rule do not apply to a person who operates a municipal waste collection and transportation vehicle licensed under IC 13-20-4. *(Solid Waste Management Board; 329 IAC 15-4-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-2 Registration**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 2. (a) An application for registration as a waste tire transporter must be completed on a form provided by the department. The application must include the following information:

(1) The name of the person applying for registration as a waste tire transporter.
(2) The address of the applicant's principal office.
(3) The address of any offices maintained by the applicant in Indiana.
(4) Evidence of financial assurance that complies with 329 IAC 15-5.

(b) The fee required by IC 13-20-21 must be submitted with the application form when the application form is submitted to the commissioner. *(Solid Waste Management Board; 329 IAC 15-4-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-3 Fees**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-21; IC 13-30-2; IC 36-9-30

Sec. 3. A waste tire transporter shall pay the fee required by IC 13-20-21. *(Solid Waste Management Board; 329 IAC 15-4-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-4 Action on application**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. The commissioner issues a certificate of registration to a waste tire transporter who:
(1) submits a complete application for a certificate of registration;
(2) establishes and maintains financial assurance in compliance with 329 IAC 15-5; and
(3) complies with this rule and any conditions included in the certificate of registration.
*(Solid Waste Management Board; 329 IAC 15-4-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 326; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-5 Conditions included in certificate of registration**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. The commissioner may include, in a certificate of registration, conditions that ensure compliance with IC 13-20-14 and this article, including a compliance schedule. A waste tire transporter shall comply with each condition included in the certificate of registration. *(Solid Waste Management Board; 329 IAC 15-4-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-6 Denial of certificate of registration**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-14-5; IC 13-30-2; IC 36-9-30

Sec. 6. The commissioner may deny an application for a certificate of registration as provided for in IC 13-20-14-5(h). *(Solid Waste Management Board; 329 IAC 15-4-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-7 Revocation or modification of certificate of registration**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-14-5.6; IC 13-30-2; IC 36-9-30

Sec. 7. The commissioner may revoke or modify a certificate of registration as provided for at IC 13-20-14-5.6. *(Solid Waste Management Board; 329 IAC 15-4-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-8 Duration**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 8. A certificate of registration issued to a waste tire transporter under this rule expires on the earlier of the following dates:

(1) Five (5) years after the date the certificate is issued.

(2) The date the department notifies the waste tire transporter under 329 IAC 15-5-12 that financial assurance is no longer required to be maintained.

*(Solid Waste Management Board; 329 IAC 15-4-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-9 Transferability**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 9. A certificate of registration issued under this rule is not transferable to another waste tire transporter. *(Solid Waste Management Board; 329 IAC 15-4-9; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-10 Renewal**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 10. An application for renewal of a certificate of registration must be submitted sixty (60) days before the expiration date of the certificate. An application for renewal of a certificate of registration must comply with section 2 of this rule. *(Solid Waste Management Board; 329 IAC 15-4-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-11 Change of information**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 11. (a) A waste tire transporter shall:

(1) notify the department in writing at least thirty (30) days before changing:

(A) the business location of the waste tire transporter; or

(B) the destination facility for waste tires; and

(2) obtain approval from the department before changing subdivision (1)(A) or (1)(B).

(b) If any information provided in the application for the certificate of registration changes, other than the information listed in subsection (a), the waste tire transporter shall provide the current information to the department no more than thirty (30) days after the information changes. *(Solid Waste Management Board; 329 IAC 15-4-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-12 Disposal of waste tires by waste tire transporters**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-14-4; IC 13-30-2; IC 36-9-30

Sec. 12. A waste tire transporter may dispose of waste tires only as provided for in IC 13-20-14-4. *(Solid Waste Management Board; 329 IAC 15-4-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-13 Manifest forms**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 13. (a) A waste tire transporter shall prepare a manifest for each load of waste tires using the form shown in Figure 1 and including all information requested on the form.

**WASTE TIRE MANIFEST**

State Form 47276 (R2/10-98)

Indiana Department of Environmental Management

INSTRUCTIONS:
1. Use of this form is required by 329 IAC 15-4-13 and IC 13-20-14-5.
2. The Waste Tire Transporter must complete this form for each shipment of waste tires.
3. Fill in all information. Generator, transporter, and receiving facility information may be pre-printed.
4. Give a copy of this form to the generator (source) of the waste tires.
5. Give a second copy of this form to the receiver of the waste tires as listed in IC 13-20-14-4.
6. Keep a copy of this form for your records for at least one (1) year.
7. For help with this form contact IDEM's Office of Land Quality, Solid Waste Permits Section, at (317) 232-0066.

**GENERATOR (SOURCE OF WASTE TIRES)**

| | | | |
|---|---|---|---|
| Name | | Telephone (including area code) | |
| Address | | Generator's Authorized Agent | Print Name |
| City | State / Zip Code | | Signature |

**DESCRIPTION OF SHIPMENT**

| | | |
|---|---|---|
| Pickup Date | Time | Tire Types and Amounts |
| Pickup Location | | ☐ Passenger tires ☐ Truck tires |
| Load Type (check one) | ☐ Whole Tire Count ☐ Weight in Pounds ☐ Volume Cubic Yards ☐ Weight in Tons | ☐ Oversize tires ☐ Other tires |

**TRANSPORTER**

| | | | |
|---|---|---|---|
| Name | | Telephone (including area code) | |
| Address | | Permit/Registration No. | State |
| City | State / Zip Code | | |

I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE WAS PICKED UP AT THE SITE DESCRIBED ABOVE AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE.

Driver's Name _____ Signature _____

**DESTINATION**

| | | | |
|---|---|---|---|
| Name | | Telephone (including area code) | |
| Address | | Permit/Registration No. | State |
| City | State / Zip Code | | |

I CERTIFY, UNDER PENALTY OF PERJURY AS PROVIDED IN IC 35-44-2-1, THAT THE MATERIAL DESCRIBED ABOVE HAS BEEN ACCEPTED AND, TO THE BEST OF MY KNOWLEDGE, THIS INFORMATION IS TRUE AND ACCURATE, AND THAT I AM AN AUTHORIZED AGENT OF THE REGISTRANT.

Name of Authorized Agent _____ Signature _____ Receipt Date _____

Figure 1.

(b) A waste tire transporter shall do all of the following:

(1) Carry the manifest in the vehicle while transporting the waste tires described on the manifest.

(2) Retain a copy of the manifest for one (1) year.

(3) Provide a copy of the completed manifest to the following:

(A) The waste tire generator.

(B) The waste tire storage site or waste tire processing operation that receives the waste tires.

(4) Make a copy of the completed manifest available to the department upon request.

(c) A waste tire transporter may reproduce copies of the waste tire manifest form with complete information for the generator, transporter, and destination preprinted on the form as long as the:

(1) form is substantially identical to the waste tire manifest form in subsection (a); and

(2) preprinted information does not include waste tire amounts or signatures.

*(Solid Waste Management Board; 329 IAC 15-4-13; filed Oct 10, 2000, 3:10 p.m.: 24 IR 327; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-14 Reports**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 14. (a) A waste tire transporter shall report annually to the department the number of waste tires transported by the waste tire transporter during the previous year, using the form provided by the commissioner.

(b) The annual report:

(1) is due on January 31;

(2) must cover the previous calendar year; and

(3) must be submitted with the annual registration fee required by section 3 of this rule.

*(Solid Waste Management Board; 329 IAC 15-4-14; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-4-15 Records**

Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-30-2; IC 36-9-30

Sec. 15. A waste tire transporter shall keep the following at the place of business described in the certificate of registration:

(1) Copies of manifest forms required to be maintained by section 13(b) of this rule.

(2) The certificate of registration.

*(Solid Waste Management Board; 329 IAC 15-4-15; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

## Rule 5. Financial Assurance

**329 IAC 15-5-1 Financial assurance for waste tire storage sites**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 1. The owner or operator of a waste tire storage site shall do the following:

(1) Prepare and submit to the department a closure cost estimate in accordance with section 3 of this rule.

(2) Maintain financial assurance for removal of waste tires and final closure of the site, in an amount equal to or greater than the closure cost estimate, using one (1) of the following mechanisms:

(A) A trust fund in accordance with section 5 of this rule.

(B) A surety bond in accordance with section 6 of this rule.

(C) A letter of credit in accordance with section 7 of this rule.

(D) Insurance in accordance with section 8 of this rule.

(3) Maintain financial assurance for removal of waste tires and final closure of the site as required by this rule until the department notifies the owner or operator of the waste tire storage site that final closure has been completed in accordance with 329 IAC 15-3-21.

*(Solid Waste Management Board; 329 IAC 15-5-1; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-2 Financial assurance for waste tire transporters**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-14; IC 13-30-2; IC 36-9-30

Sec. 2. A waste tire transporter shall maintain financial assurance in the amount of at least ten thousand dollars ($10,000). The financial assurance must be in the form of:

(1) a bond for performance, executed by a corporate surety licensed to do business in Indiana, in accordance with section 9 of this rule;
(2) a negotiable certificate of deposit in accordance with section 10 of this rule; or
(3) a negotiable letter of credit in accordance with section 11 of this rule;

payable to the department and conditional upon faithful compliance with IC 13-20-14 and this article. *(Solid Waste Management Board; 329 IAC 15-5-2; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-3 Closure cost estimate**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 3. (a) The owner or operator of a waste tire storage site shall submit to the department a written estimate of the cost of completing final closure of the site in accordance with 329 IAC 15-3-21. The original closure cost estimate must be submitted, on a form provided by the department, with the application for a certificate of registration. The closure cost estimate must include the following:

(1) The methods that will be used to remove and properly dispose of all waste tires stored at the site.
(2) The final destination of all waste tires removed from the site.
(3) The name and address of the contractor or contractors to be used to remove the waste tires and complete final closure of the site.
(4) The estimated cost of completing all activities required by 329 IAC 15-3-21.

(b) The closure cost estimate must be based on the cost of removing the maximum number of waste tires that can be accumulated at the site at any time.

(c) The closure cost estimate must be based on the projected costs of contracting a third party to complete final closure of the site. The closure cost estimate must include all costs for all activities required by 329 IAC 15-3-21.

(d) Once the owner or operator of a waste tire storage site has completed an activity required in 329 IAC 15-3-21, the owner or operator may:

(1) revise the closure cost estimate indicating that the activity has been completed; and
(2) revise that element of the closure cost estimate to zero (0).

*(Solid Waste Management Board; 329 IAC 15-5-3; filed Oct 10, 2000, 3:10 p.m.: 24 IR 329; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-3.5 Annual revision of closure cost estimate**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 3.5. The owner or operator of a waste tire storage site shall submit to the department a revised written closure cost estimate:

(1) annually, not later than January 31 of each year; and
(2) whenever a change in the removal plan increases the closure cost estimate.

The revised closure cost estimate must meet the requirements of section 3 of this rule. *(Solid Waste Management Board; 329 IAC 15-5-3.5; filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-4 Use of financial mechanism for multiple sites**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 4. (a) The owner or operator of a waste tire storage site may use a single financial responsibility mechanism to meet the requirements for more than one (1) facility. Evidence of financial responsibility submitted to the department must include a list showing, for each facility:

(1) the registration number of the waste tire storage site;
(2) name and address of the waste tire storage site; and
(3) the amount of funds available in the financial mechanism.

(b) The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each waste tire storage site. *(Solid Waste Management Board; 329 IAC 15-5-4; filed Oct 10, 2000, 3:10 p.m.: 24 IR 330; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-5 Trust fund**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 5. (a) The owner or operator of a waste tire storage site may comply with this section by establishing a trust agreement on:

(1) forms provided by the department; or
(2) other forms approved by the department.

(b) Each trust agreement must do the following:

(1) Identify facilities and corresponding closure cost estimates covered by the trust agreement.
(2) Establish a trust fund, in an amount determined by section 3 of this rule, that guarantees that payments from that fund either:
    (A) reimburse the owner or operator of the waste tire storage site for department-approved closure work done; or
    (B) pay the department for doing required closure work.
(3) Require that annual valuations of the trust be submitted to the department.
(4) Require successor trustees to notify the department, in writing, of their appointment at least ten (10) days before the effective date of the appointment.
(5) Require the trustee to notify the department, in writing, of the failure of the owner or operator of the waste tire storage site to make a required payment into the fund.
(6) Establish that the trust is irrevocable unless terminated, in writing, with the approval of the:
    (A) owner or operator of the waste tire storage site;
    (B) trustee; and
    (C) department.
(7) Certify that the signer of the trust agreement for the owner or operator of the waste tire storage site was duly authorized to bind the owner or operator of the waste tire storage site.
(8) All signatures must be notarized by a notary public commissioned to be a notary public in Indiana at the time of the notarization.
(9) Establish that the trustee is authorized to act as a trustee and is an entity whose operations are regulated and examined by a federal or state of Indiana agency.
(10) Require that annual payments into the fund be made within thirty (30) days of each anniversary of the initial payment.

(c) Payments into the trust must be made as follows:

(1) The owner or operator of the waste tire storage site shall make a payment into the trust fund each year during the pay-in period.
(2) The maximum pay-in period is five (5) years. The pay-in period commences on the date the site first receives waste tires.
(3) Annual payments are determined by the following formula:

$$\text{Annual Payment} = \frac{CE - CV}{Y}$$

Where: CE = Current cost estimate.
CV = Current value of the trust fund.
Y = Number of years remaining in the pay-in period.

(4) The owner or operator of the waste tire storage site shall make the initial payment before the beginning of the pay-in period. The owner or operator of the waste tire storage site shall also, before the beginning of the pay-in period, submit to the department a receipt from the trustee for this first annual payment.

(5) Subsequent payments must be made no later than thirty (30) days after each anniversary of the first payment.

(6) The owner or operator of the waste tire storage site may accelerate payments into the trust fund or may deposit the full amount of the current cost estimate at the time the fund is established.

(7) The owner or operator of the waste tire storage site shall maintain the value of the fund at no less than the value would have been if annual payments were made as specified in subdivision (3).

(8) If the owner or operator of the waste tire storage site establishes a trust fund after having used one (1) or more alternative mechanisms, the first payment must be in at least the amount the fund would contain if the trust fund were established initially and payments made as provided in subdivision (3).

(d) The trustee shall evaluate the trust fund annually, as of the day the trust was created or on such earlier date as may be provided in the agreement. The trustee shall notify the owner or operator of the waste tire storage site and the department within thirty (30) days after the evaluation date.

(e) Release of excess funds may be requested as follows:

(1) If the value of the financial assurance is greater than the total amount of the current cost estimate, the owner or operator of the waste tire storage site may submit a written request to the department for release of the amount in excess of the current cost estimate.

(2) Within sixty (60) days after receiving a request from the owner or operator of the waste tire storage site for a release of funds, the department shall instruct the trustee to release to the owner or operator of the waste tire storage site such funds as the department specifies in writing to be in excess of the current cost estimate.

(f) Reimbursement for removal expenses may be requested as follows:

(1) After initiating removal, the owner or operator of the waste tire storage site, or any other person authorized to perform removal, may request reimbursement for removal expenditures by submitting itemized bills to the department.

(2) Within sixty (60) days after receiving the itemized bills for removal activities, the department shall determine whether the expenditures are in accordance with the removal plan. The department shall instruct the trustee to make reimbursement in such amounts as the department specifies in writing in accordance with the removal plan.

(3) If the department determines, based on available information, that the cost of removal will be greater than the value of the trust fund, the department shall withhold reimbursement of such amounts necessary to accomplish removal until it is determined that the owner or operator of the waste tire storage site is no longer required to maintain financial assurance for removal. In the event the fund is inadequate to pay all claims, the department shall pay claims according to the following priority:

(A) A person with whom the department has contracted to perform removal activities.

(B) A person who has completed removal authorized by the department.

(C) A person who has completed work that furthered the removal.

(D) The owner or operator of the waste tire storage site and related business entities.

*(Solid Waste Management Board; 329 IAC 15-5-5; filed Oct 10, 2000, 3:10 p.m.: 24 IR 330; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-6 Surety bond**

Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 6. (a) The owner or operator of a waste tire storage site may comply with this rule by establishing a surety bond on:

(1) forms provided by the department; or

(2) other forms approved by the department.
(b) All surety bonds must contain the following:
(1) The establishment of penal sums in the amount determined by section 3 of this rule.
(2) Provision that the surety will be liable to fulfill the closure obligations upon notice from the department that the owner or operator of the waste tire storage site has failed to do so.
(3) Provision that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the owner or operator of the waste tire storage site and the department at least one hundred twenty (120) days before the effective date of the cancellation.
(4) Provision that the owner or operator of the waste tire storage site may not terminate the bond without prior written authorization by the department.
(c) The owner or operator of the waste tire storage site shall establish a standby trust fund to be utilized in the event the owner or operator of the waste tire storage site fails to fulfill closure obligations and the bond guarantee is exercised. Such a trust fund must be established in accordance with section 5 of this rule.
(d) The surety company issuing the bond must be among those listed as acceptable sureties for federal bonds in the most recent Circular 570 of the United States Department of the Treasury.
(e) The surety will not be liable for deficiencies in the performance of closure by the owner or operator of the waste tire storage site after the department releases the owner or operator in accordance with section 12 of this rule. *(Solid Waste Management Board; 329 IAC 15-5-6; filed Oct 10, 2000, 3:10 p.m.: 24 IR 331; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-7 Letter of credit**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 7. (a) The owner or operator of a waste tire storage site may comply with this rule by establishing a letter of credit on:
(1) forms provided by the department; or
(2) forms approved by the department.
(b) All letters of credit must contain the following:
(1) The establishment of credit in the amount determined by section 3 of this rule.
(2) Irrevocability.
(3) An effective period of at least one (1) year and automatic extensions for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the owner or operator and the department at least one hundred twenty (120) days before the effective date of cancellation.
(4) Provision that, upon written notice from the commissioner, the institution issuing the letter of credit will:
(A) state that the obligations of the owner or operator of the waste tire storage site have not been fulfilled; and
(B) deposit funds equal to the amount of credit into a trust fund to be used to ensure closure obligations of the owner or operator are fulfilled.
(c) The owner or operator of the waste tire storage site shall establish a standby trust fund to be utilized in the event the owner or operator of the waste tire storage site fails to fulfill closure obligations and the letter of credit is utilized. Such a trust fund must be established in accordance with section 5 of this rule.
(d) The issuing institution must be an entity that has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal or state of Indiana agency. *(Solid Waste Management Board; 329 IAC 15-5-7; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-8 Insurance**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 8. (a) The owner or operator of a waste tire storage site may comply with this rule by providing evidence of insurance on:
(1) forms provided by the department; or

(2) other forms approved by the department.
(b) All insurance must include the following requirements:
(1) The establishment of credit in the amount determined by section 3 of this rule.
(2) Provision that the insurer shall make payments:
(A) in any amount, not to exceed the amount insured; and
(B) to any person authorized by the department;
if the department notifies the insurer in writing that the owner or operator of the waste tire storage site has failed to perform final closure.
(3) Provision that the owner or operator of the waste tire storage site shall maintain the policy in full force and effect unless the department consents in writing to termination of the policy.
(4) Provision that the insurer may not cancel, terminate, or fail to renew the policy unless the owner or operator of the waste tire storage site fails to pay the premium. No cancellation, termination, or failure to renew may occur unless the department and the owner or operator of the waste tire storage site are notified by the insurer in writing at least one hundred twenty (120) days before such event.
(c) The insurer shall either be licensed to transact the business of insurance or be eligible to provide insurance as an excess or surplus lines insurer in one (1) or more states. *(Solid Waste Management Board; 329 IAC 15-5-8; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-9 Bond for performance**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-13-8; IC 13-30-2; IC 36-9-30

Sec. 9. (a) A waste tire transporter may comply with this rule by establishing a performance bond on:
(1) forms provided by the department; or
(2) other forms approved by the department.
(b) All performance bonds must contain the following:
(1) The establishment of penal sums in the amount of at least ten thousand dollars ($10,000).
(2) Provision that the surety will be liable to fulfill the obligations of the waste tire transporter upon notice from the department that the waste tire transporter has failed to fulfill all obligations of this article.
(3) Provision that the surety may not cancel the bond without first sending notice of cancellation by certified mail to the waste tire transporter and the department at least one hundred twenty (120) days before the effective date of the cancellation.
(4) Provision that the waste tire transporter may not terminate the bond without prior written authorization by the department.
(5) Provision that the surety will pay to the department, for deposit in the waste tire management fund established by IC 13-20-13-8, the entire amount of the penal sum described in subdivision (1) in the event the waste tire transporter fails to fulfill all obligations under this article.
(c) The waste tire transporter shall establish a standby trust fund to be utilized in the event the waste tire transporter fails to fulfill all obligations under this article and the bond guarantee is exercised. Such a trust fund must be established in accordance with section 5 of this rule.
(d) The surety company issuing the bond must be among those listed as acceptable sureties for federal bonds in the most recent Circular 570 of the United States Department of the Treasury.
(e) The surety will not be liable for deficiencies in the performance of the waste tire transporter after the department releases the waste tire transporter in accordance with section 12 of this rule. *(Solid Waste Management Board; 329 IAC 15-5-9; filed Oct 10, 2000, 3:10 p.m.: 24 IR 332; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-10 Negotiable certificate of deposit**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-13-8; IC 13-30-2; IC 36-9-30

Sec. 10. (a) A waste tire transporter may comply with this rule by establishing a negotiable certificate of deposit that meets the requirements of this section.
(b) A negotiable certificate of deposit must contain the following:

(1) A principal amount of not less than ten thousand dollars ($10,000).
(2) Provision that the certificate of deposit may not be withdrawn by the waste tire transporter unless released in writing by the department under section 12 of this rule.
(3) The principal must be deposited for a period of at least one (1) year, with automatic redeposit thereafter for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the waste tire transporter and the department at least one hundred twenty (120) days before the date on which the certificate of deposit matures.
(4) Provision that the certificate of deposit must be payable to the department, for deposit in the waste tire management fund established by IC 13-20-13-8, upon written notice from the commissioner, stating that obligations of the waste tire transporter under this article have not been fulfilled.
(c) The issuing institution must be an entity that has the authority to issue certificates of deposit and whose operations are regulated and examined by a federal agency or an agency or department of the state. *(Solid Waste Management Board; 329 IAC 15-5-10; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-11 Negotiable letter of credit**
Authority: IC 13-19-3-1; IC 13-20-14-6
Affected: IC 13-20-13-8; IC 13-30-2; IC 36-9-30

Sec. 11. (a) A waste tire transporter may comply with this rule by establishing a negotiable letter of credit on:
(1) forms provided by the department; or
(2) forms approved by the department.
(b) All negotiable letters of credit must contain the following:
(1) The establishment of credit in the amount of not less than ten thousand dollars ($10,000).
(2) Irrevocability.
(3) An effective period of at least one (1) year and automatic extensions thereafter for periods of at least one (1) year unless the issuing institution provides written notification of cancellation by certified mail to both the waste tire transporter and the department at least one hundred twenty (120) days before the effective date of cancellation.
(4) Provision that the institution will deposit funds equal to the amount of credit into the waste tire management fund established by IC 13-20-13-8 to be used to ensure that all obligations of the waste tire transporter under this article are fulfilled, if notified in writing by the commissioner that the obligations of the waste tire transporter have not been fulfilled.
(c) The waste tire transporter shall establish a standby trust fund to be utilized in the event the waste tire transporter fails to fulfill all obligations under this article and the letter of credit is utilized. Such a trust fund must be established in accordance with the requirements of section 5 of this rule.
(d) The issuing institution must be an entity that has the authority to issue letters of credit and whose letters of credit operations are regulated and examined by a federal agency or an agency or department of the state. *(Solid Waste Management Board; 329 IAC 15-5-11; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

**329 IAC 15-5-12 Release of financial responsibility obligations**
Authority: IC 13-19-3-1; IC 13-20-13-11
Affected: IC 13-30-2; IC 36-9-30

Sec. 12. (a) When the requirements for final closure in 329 IAC 15-3-21 have been completed, the department will notify the owner or operator of the waste tire storage site in writing that financial responsibility is no longer required to be maintained.
(b) When a waste tire transporter has:
(1) stopped transporting waste tires for a period of one hundred eighty (180) days; and
(2) completed all activities required by the department under this article;
the department will notify the waste tire transporter in writing that financial responsibility is no longer required to be maintained. *(Solid Waste Management Board; 329 IAC 15-5-12; filed Oct 10, 2000, 3:10 p.m.: 24 IR 333; readopted filed Nov 30, 2006, 4:16 p.m.: 20061227-IR-329050168FRA)*

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