

IC 13-20-14

Chapter 14. Disposal of Waste Tires

IC 13-20-14-1

Disposal at solid waste landfills

Sec. 1. (a) Except as provided in:

- (1) rules adopted under subsection (d); and
- (2) section 10 of this chapter;

a whole waste tire may not be disposed of at a solid waste landfill.

(b) The department may approve shredded or ground up tires for use as daily cover for a solid waste landfill.

(c) Material approved under subsection (b) is exempt from IC 13-20-22 and IC 13-21-13.

(d) The solid waste management board shall adopt rules that allow for the incidental disposal of small amounts of whole waste tires at solid waste landfills.

(e) The rules adopted under subsection (d) may allow a landfill operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (d) in lieu of a numeric standard.

As added by P.L.1-1996, SEC.10. Amended by P.L.123-1996, SEC.13; P.L.132-1997, SEC.1.

IC 13-20-14-2

Notices in retail tire establishments

Sec. 2. (a) In each retail establishment in which a retailer sells new tires, the retailer shall post in a conspicuous place a written notice that bears the following statements:

"Do not put waste tires in the trash."

"Recycle your waste tires."

"State law requires us to accept your waste tires for recycling or proper disposal if you purchase new tires from us."

(b) A notice required by this section must be at least eight and one-half (8.5) inches wide and eleven (11) inches high.

(c) A person who knowingly violates this section commits a Class C infraction.

As added by P.L.1-1996, SEC.10.

IC 13-20-14-3

Acceptance of waste tires by retailers on sale of new tires

Sec. 3. (a) A retailer who sells new tires to a person shall accept waste tires that the person presents to the retailer at the place where possession of the new tires is transferred to the person.

(b) The number of waste tires that a retailer is required to accept from a person under this section is equal to the number of new tires that the retailer sells to the person.

As added by P.L.1-1996, SEC.10.

IC 13-20-14-4

Disposal by source of waste tires

Sec. 4. (a) A source of waste tires shall dispose of waste tires in the source's possession by one (1) or more of the following means:

- (1) Delivery to a wholesaler or to an agent of a wholesaler.
- (2) Delivery to a manufacturer of tires.
- (3) Delivery to a facility that:
 - (A) recycles tires; or
 - (B) collects tires for delivery to a recycling facility.
- (4) Delivery to a permitted final disposal facility regulated under environmental management laws.
- (5) Delivery to a waste tire storage site.
- (6) Delivery to a facility operated as a waste tire cutting facility under a permit issued by the commissioner.
- (7) Delivery to a registered waste tire transporter or a person who operates a municipal waste collection and transportation vehicle licensed under IC 13-20-4.

(b) A person referred to in subsection (a) is not required to accept waste tires from a source of waste tires.

As added by P.L.1-1996, SEC.10. Amended by P.L.93-1998, SEC.15.

IC 13-20-14-5

Waste tire transporters; registration; manifest forms; fees; retention and furnishing of manifest copies

Sec. 5. (a) This section does not apply to a person who operates a municipal waste collection and transportation vehicle licensed under IC 13-20-4.

(b) A person may not act as a waste tire transporter unless the person is registered with the department as a waste tire transporter. To apply for a certificate of registration as a waste tire transporter, a person must submit the following to the department:

- (1) The person's name.
- (2) The address of the person's principal office.
- (3) The addresses of any offices maintained by the person in Indiana.
- (4) Evidence of financial assurance, maintained in accordance with rules adopted under section 6 of this chapter, in the amount of at least ten thousand dollars (\$10,000). The financial assurance must be in the form of:
 - (A) a bond for performance, executed by a corporate surety licensed to do business in Indiana;
 - (B) a negotiable certificate of deposit; or
 - (C) a negotiable letter of credit;

payable to the department and conditional upon faithful performance of the requirements of this chapter and the registration.

(c) The rules adopted under section 6 of this chapter must adopt a manifest form and require a waste tire transporter to prepare and carry a manifest based upon that form each time a waste tire transporter transports waste tires. The format and wording of the form must require a waste tire transporter to enter information in each manifest indicating the source and number of waste tires to be

transported and the destination to which the waste tires are transported.

(d) Until the rules prescribing a manifest form are adopted under subsection (c), a waste tire transporter may use a manifest form designed by the waste tire transporter. A form designed and used under this subsection must meet the format and wording requirements set forth in subsection (c).

(e) A person who acts as a waste tire transporter in Indiana shall pay an annual registration fee of twenty-five dollars (\$25) that shall be deposited in the waste tire management fund and appropriated to the department for the department's use in providing for the removal and disposal of waste tires from sites where the waste tires have been disposed of improperly.

(f) A waste tire transporter shall do the following:

- (1) Retain a copy of a manifest described under this section for at least one (1) year.
- (2) Make a copy of a manifest described under this section available to the department upon request.
- (3) Report annually to the department the number of waste tires transported by the waste tire transporter.
- (4) Maintain financial assurance acceptable to the department in accordance with subsection (b)(4).

(g) The commissioner may include in a certificate of registration issued under this chapter conditions that ensure compliance with:

- (1) this chapter; and
- (2) rules adopted by the board under this chapter;

including a compliance schedule.

(h) The department may deny an application to register under this chapter if:

- (1) the application is incomplete;
- (2) the applicant has failed to comply with the requirements of:
 - (A) this chapter;
 - (B) IC 13-20-13; or
 - (C) a rule adopted by the board under section 6 of this chapter or under IC 13-20-13-11; or
- (3) an enforcement action is pending against the applicant.

As added by P.L.1-1996, SEC.10. Amended by P.L.93-1998, SEC.16.

IC 13-20-14-5.3

Retention and availability of manifests

Sec. 5.3. A person that is the source of more than twelve (12) waste tires per year, including tire retailers, auto salvagers, and sellers of used tires, shall:

- (1) retain a copy of manifests received from a waste tire transporter under section 5 of this chapter for at least one (1) year; and
- (2) make a copy of the manifests available to the department upon request.

As added by P.L.93-1998, SEC.17.

IC 13-20-14-5.6

Revocation or modification of certificate of registration; appeal

Sec. 5.6. (a) A certificate of registration issued by the department under this chapter may be revoked or modified by the commissioner, or by a designated staff member of the department, after notification in writing is sent by certified mail to the holder of the certificate, for:

- (1) failure to disclose all relevant facts;
- (2) making a misrepresentation in obtaining the registration; or
- (3) failure to correct, within the time established by the department, a violation of:
 - (A) a condition of the registration;
 - (B) this chapter; or
 - (C) a rule adopted by the board under section 6 of this chapter.

(b) A person aggrieved by the revocation or modification of a certificate of registration may appeal the revocation or modification to the office of environmental adjudication under IC 4-21.5-7. Pending the decision resulting from a hearing under IC 4-21.5-3 concerning the revocation or modification, the registration remains in force. However, subsequent to revocation or modification, the commissioner may seek injunctive relief concerning the activity described in the registration.

As added by P.L.93-1998, SEC.18. Amended by P.L.1-1999, SEC.38.

IC 13-20-14-6

Rules

Sec. 6. The solid waste management board shall adopt rules under IC 4-22-2 and IC 13-14-8 to implement this chapter.

As added by P.L.1-1996, SEC.10.

IC 13-20-14-7

Removal and remedial actions

Sec. 7. (a) The commissioner may proceed in court, by appropriate action, to:

- (1) compel a person responsible for the improper disposal of waste tires to undertake a removal or remedial action with respect to the waste tires; or
- (2) obtain an order to enter upon private or public property to carry out a removal or remedial action with respect to the waste tires if the commissioner cannot identify or locate another person responsible for carrying out the removal or remedial action who:
 - (A) is willing to carry out the removal or remedial action and is capable of doing so; or
 - (B) can be compelled to carry out the removal or remedial action under subdivision (1).

(b) The commissioner may issue an administrative order for the purpose set forth in subsection (a)(1).

As added by P.L.1-1996, SEC.10. Amended by P.L.93-1998, SEC.19.

IC 13-20-14-8

Recovery of costs and damages

Sec. 8. The commissioner may proceed in the appropriate court to recover costs and damages from a person who:

- (1) is responsible for the improper disposal of waste tires; and
- (2) fails, without sufficient cause, to properly undertake a removal or remedial action under section 7 of this chapter.

As added by P.L.1-1996, SEC.10. Amended by P.L.93-1998, SEC.20.

IC 13-20-14-9.5

Disposal by transfer station operators

Sec. 9.5. (a) Except as provided in rules adopted under subsection (c), an operator of a transfer station shall remove whole waste tires present in solid waste that is being transferred from a vehicle or container to another vehicle or container at the transfer station.

(b) Whole waste tires removed by an operator of a transfer station under subsection (a) shall be disposed of as provided in this chapter.

(c) The solid waste management board shall adopt rules that allow for the incidental transfer of small amounts of whole waste tires under subsection (a).

(d) The rules adopted under subsection (c) may allow a transfer station operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (c) in lieu of a numeric standard.

As added by P.L.123-1996, SEC.14.

IC 13-20-14-10

Disposal at a mineral extraction operation

Sec. 10. A person may dispose of a whole waste tire at a land excavation associated with a mineral extraction operation if the:

- (1) person:
 - (A) owns the whole waste tire; and
 - (B) owns or leases the disposal site; and
- (2) waste tire:
 - (A) has a:
 - (i) bead width of at least fourteen (14) inches; and
 - (ii) rim or wheel diameter of at least twenty-four (24) inches;
 - (B) was used on:
 - (i) an off-road construction or mining vehicle; or
 - (ii) off-road construction or mining equipment; and
 - (C) is buried under at least twenty-five (25) feet of compacted cover.

As added by P.L.132-1997, SEC.2.