

# STATE OF MISSISSIPPI WASTE TIRE MANAGEMENT PERMIT

TO OPERATE A WASTE TIRE MANAGEMENT FACILITY IN ACCORDANCE  
WITH THE REGULATIONS GOVERNING WASTE TIRE MANAGEMENT

**THIS CERTIFIES THAT**

**Fairley's Tire and Rubber Disposal, LLC**

has been granted permission to operate a waste tire management facility  
located at

**300 Worth Nall Road, Lumberton, Mississippi  
Section 19, Township 1 South, Range 13 West  
Forrest County**

This permit is issued in accordance with the provisions of the Mississippi Code Annotated,  
and the regulations and guidelines adopted and promulgated thereunder.

**MISSISSIPPI ENVIRONMENTAL QUALITY PERMIT BOARD**

  
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**AUTHORIZED SIGNATURE**

**MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY**

Permit Issued: October 1, 2015

Expires: October 1, 2025

Permit No.: WTP-0005

## CONDITIONS

### WASTE TIRE PROCESSING FACILITY

#### A. EFFECT OF PERMIT

Fairley Tire and Rubbish Disposal, LLC (“permittee”) shall operate the waste tire processing facility in accordance with the Mississippi Waste Tire Management Regulations (11 Miss. Admin. Code Pt. 4, Ch. 4), the Mississippi Waste Tire Transportation Regulations (11 Miss. Admin. Code Pt. 4, Ch. 5), the Mississippi Nonhazardous Solid Waste Management Regulations (11 Miss. Admin. Code Pt. 4, Ch. 1), the application as approved, and the conditions of this permit. Any changes, alterations, or modifications of the above referenced regulations which pertain to any condition of this permit shall supersede and replace the affected conditions of this permit. In such instances, the permittee shall comply with the altered condition(s) of the regulations.

#### B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for noncompliance with the terms and conditions of the permit. The filing of a request for modification, revocations and reissuance, or termination of this permit, or the notification of planned changes or anticipated noncompliance on the part of the permittee does not stay the applicability or enforceability of any condition of this permit.

#### C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

#### D. DUTIES AND REQUIREMENTS

1. Duty to Comply. The permittee shall comply with all conditions of this permit. Any noncompliance with this permit constitutes a violation of the Mississippi solid waste law and the regulations promulgated thereunder and is grounds for enforcement action, termination, revocation and reissuance, modification of this permit or for denial of a permit renewal application.
2. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

3. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all equipment and systems which are installed or used by the permittee to achieve compliance with the conditions of this permit and application as submitted and approved by the Mississippi Department of Environmental Quality (Department).
4. Property Access Rights. It is the responsibility of the permittee to possess or acquire and maintain a sufficient interest in or right to the use of the property for which the permit is issued, including the access route. The issuance of this permit does not convey any property rights or interest in either real or personal property; nor does it authorize any injury to private property, invasion of personal rights, or impairment of previous contract rights; nor any infringement of Federal, State, or local laws or regulations outside the scope of the authority under which this permit is issued.
5. Duty to Provide Information. The permittee shall furnish to the Department, within a reasonable time, any relevant information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit.
6. Inspection and Entry. The permittee shall allow an authorized representative of the Department upon the presentation of credentials and other documents as may be required by law to:
  - a. Enter at reasonable times on the permittee's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy at reasonable times any records that must be kept under the Mississippi Waste Tire Management Regulations, the Mississippi Waste Tire Transportation Regulations, and the conditions of this permit;
  - c. Inspect at reasonable times any facilities, equipment, practices, or operations regulated or required under this permit; and
  - d. Sample or monitor at reasonable times for the purposes of assuring compliance with this permit.
7. Financial Responsibility Requirements. The permittee shall comply with the following requirements related to maintaining appropriate financial responsibility for the site operations for the duration of this permit.
  - a. The permittee shall estimate the costs of processing and disposal of the maximum number of waste tires, reusable tires, and processed waste tires specified in Condition E.5 of this permit. The estimate shall be based upon a third-party estimate, the Department's current abatement contractor rate,

disposal rates at an appropriate solid waste disposal facility (for processed materials), and/or other reasonable estimates. The permittee shall submit an estimate to the Department within 30 days of the issuance of this permit.

- b. Upon approval of the estimates by the Department, the permittee shall provide the Department with proof of the financial responsibility issued in the amount of the approved estimate. Proof of financial responsibility shall be demonstrated using a financial instrument listed in Rule 4.6 of the Mississippi Waste Tire Management Regulations issued by a surety company or financial institution licensed to do business in Mississippi and must be payable to the Department. Proof of financial responsibility shall be provided within 30 days of the Department's written approval of the closure estimate described in Condition D.7.a. of this permit.
  - c. The permittee shall annually review and update the estimated cost for processing and disposal of the maximum number of waste tires, reusable tires, and processed waste tires specified in Condition E.5 of this permit. The updated estimate shall be submitted to the Department by February 28 of each year during the term of this permit, unless an alternate schedule is approved by the Department. If the updated estimate requires adjustment of the existing financial instrument, the updated proof of financial responsibility shall be submitted within 30 days of the approval of the updated estimate by the Department.
8. Duty to Reapply. If the permittee wishes to continue an activity allowed by this permit after the expiration date of this permit, the permittee must submit a complete application for a new permit at least 180 days before this permit expires.
  9. Transfer of Permit. The permittee shall not sell, convey, or assign the rights in the permit to another person or party prior to the approval of the transfer of the permit by the Environmental Quality Permit Board or the Permit Board's designee as defined by Rule 1.2.L of the Mississippi Nonhazardous Solid Waste Management Regulations.
  10. Disclosure. The permittee shall submit an updated disclosure statement to the Department by February 28 of each year. If all information from the previously submitted disclosure statement is unchanged, a letter stating such may be submitted in lieu of an updated disclosure statement.
  11. Signature Requirements. An application for the re-issuance, modification or transfer of this permit and all reports required by this permit or other information requested by the Permit Board shall be signed in accordance with Rule 1.2.G of the Mississippi Nonhazardous Solid Waste Management Regulations.

## E. OPERATING REQUIREMENTS

1. The permittee shall operate the facility in accordance with the approved plan of operations. The permittee shall submit any planned modifications to the plan of operation in writing to the Department for approval, prior to implementation of any changes.
2. The permittee is authorized to collect and process waste tires, waste tire derived materials, off-the-road tires, and other similar rubber-based materials as specified in the approved plan of operation. Acceptance of unauthorized waste materials shall be prohibited by the permittee, unless such materials are first approved by the Department.
3. The permittee may accept waste tires from sources located within the approved service area as described in the approved plan of operation and as designated in the approved Forrest County Solid Waste Management Plan.
4. The permittee shall ensure that all whole waste tires are processed by slicing, cutting, shredding or other approved means as per the approved plan of operation and Rule 4.4.B of the Mississippi Waste Tire Management Regulations.
5. The permittee shall ensure that the storage of whole tires, reusable tires and processed waste tires is conducted in a manner consistent with the approved plan of operations and with Rule 4.3 of the Mississippi Waste Tire Management Regulations. Additionally, the permittee shall ensure that the storage of whole tires, reusable tires and processed waste tires will be restricted to the specific areas and quantities described in the approved plan of operation, unless otherwise approved by the Department.
  - a. For whole waste tires and reusable tires, storage shall not exceed a total of 5,000 tires at any time.
  - b. For processed waste tires or tire materials, storage shall not exceed 2,500 whole waste tire equivalents at any time. Processed waste tires shall be transported to the on-site waste tire disposal facility or to a legitimate recycling or end use facility that is authorized to receive such materials within 14 days of processing, unless otherwise approved by the Department.
6. The permittee shall ensure that other waste materials generated by the operations of this facility are transported to a permitted disposal facility or other approved facility that is authorized to receive such materials. Waste materials shall be removed from the site at minimum every 28 days, unless otherwise approved by the Department.
7. The permittee shall develop and implement appropriate fire prevention measures for the facility which adhere to standard industrial fire codes for facilities of this type and/or local fire codes or ordinances for implementing and maintaining

- measures to prevent fires or extinguish fires. The permittee shall ensure that the fire prevention measures, at a minimum, include:
- a. the prohibition of the open burning of waste tires or any other solid waste material;
  - b. the proper installation, upgrade, and/or maintenance of all fire control equipment;
  - c. procedures for actions to extinguish fires and limit the off-site impacts of such fires; and
  - d. procedures for notifying the Department of the fire and of the permittee's actions to extinguish the fire. Such notification shall be made by the close of the Department's next business day.
8. The permittee shall ensure that all waste tire processing systems and equipment are properly maintained and operated to comply with the facility operating and storage plans and with reasonable safety standards. This shall include the proper maintenance of equipment safety features and the proper cleaning and removal of waste tire dust and other materials from the processing equipment and areas around the equipment on an adequate frequency to prevent possible fire or nuisance conditions.
  9. The permittee shall manage the waste tire collection and processing operations in a manner that minimizes potential aesthetic nuisances. These actions shall include measures to maintain existing visual buffers or screening or to establish visual buffers or screening between the waste tire storage areas and other public or private buildings, dwellings, or roads.
  10. The permittee shall establish access controls to the site through the use of fences, gates, natural barriers, or other means. An attendant shall be on duty at all operating hours of the facility.
  11. The permittee shall post and maintain signage at the entrance of the facility stating, at a minimum, the facility name, the days and hours of operation, and facility contact information. Such signage should be in compliance with any applicable state or local ordinances or requirements.
  12. The permittee shall implement adequate mosquito prevention control measures at the site as necessary to prevent nuisance conditions and public health problems from occurring. These measures may include application of an appropriate mosquito controllant at the site, removal of mosquito infested water which may enter the site in the tires or collect in the tires at the site, and/or covering of the tires with tarps or by other means to prevent collection of water.

13. It is the responsibility of the permittee to require, properly complete, and execute copies of waste tire transportation certification forms with the waste tire transporter or hauler for each incoming load of tires in accordance with Rule 5.6 of the Mississippi Waste Tire Transportation Regulations. Copies of all waste tire transportation certification forms and all monthly reports required by Mississippi Waste Tire Transportation Regulations and Mississippi Waste Tire Management Regulations shall be kept on file at the facility for a period of at least three (3) years.
14. The permittee shall submit a monthly report to the Department no later than the 15<sup>th</sup> day of each month detailing the waste tire collection and processing activities for the previous month as required by Rule 4.3.M of the Mississippi Waste Tire Management Regulations.
15. The permittee shall notify the Department in writing at least 90 days prior to the anticipated cessation of operations. Facility closure shall be conducted in accordance with the approved plan of operations and Rule 4.3.O of Mississippi Waste Tire Management Regulations.
16. The permittee shall notify the Department of any anticipated noncompliance with the aforementioned conditions or with any other applicable regulation or law immediately.