

SCRAP TIRE PROCESSING FACILITY PERMIT APPLICATION GUIDANCE DOCUMENT

INTRODUCTION

This document outlines requirements for submission of a complete scrap tire processing facility permit application. **This document pertains only to scrap tire processing facilities.** The owner/operator of the scrap tire processing facility permit may complete this guidance document and use the completed guidance document along with the indicated attachments as the permit application. Three copies of the complete application must be submitted to the department.

A complete application package for a permit must contain:

- Application Administrative Requirements:
 1. Completed Permit Application Form(s)
 2. Permit Application Fee
 3. Evidence of Property Ownership
 4. Evidence of Compliance with Local Zoning Requirements
 5. Violation History Disclosure Statement
 6. Evidence of Compliance with Department Water Pollution Control Regulations
 7. Corporate or Fictitious Name Registration with the Secretary of State
- Site plans and Operational Plans for:
 1. Storage
 2. Recordkeeping
 3. Closure Plan
 4. Financial Assurance Instrument
 5. Contingency Plan

Each of these requirements is further detailed on the following pages. Depending on site specific circumstances, the applicant may wish to obtain assistance from an attorney and/or a professional engineer in completing this application.

The Missouri Department of Natural Resources' Solid Waste Management Program (SWMP) will conduct a preliminary review of the application to determine whether it contains sufficient information to conduct a technical review. Each of the items listed above must be submitted for a permit application to be considered complete.

The department's SWMP will review each application for compliance with the Solid Waste Management Law and Rules. If the application does not adequately address these requirements, the department's SWMP will send a comment letter to the applicant explaining the items that require clarification or further detail. If the information required is not received by the department's SWMP within 60 days, the application review may be terminated. Please note that an extension may be granted as outlined in the policy.

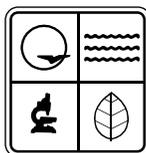
The applicant's response to the department's comment letter will also be reviewed for compliance with the Solid Waste Management Law and Rules. If this response does not adequately address these requirements, a second comment letter may be issued by the department's SWMP. If the applicant's response to the second comment letter is unsatisfactory, the application may be disapproved for failure to adequately address the requirements of the Solid Waste Management Law and Rules. The \$200.00 application fee is nonreturnable; however, if the application is revised and resubmitted for the same facility within timeframes established by the department, a new application fee may not be required.

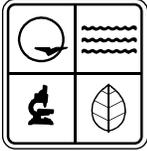
The applicant must reimburse the department for all permit review costs incurred by the department up to a maximum of \$2000.00. After completion of the review of the original application and attachments, the department's SWMP will send an invoice to the applicant for review costs incurred. Payment must be received before the department's SWMP will review subsequent submittals and before a permit will be issued.

If the department's review of the application reveals that the scrap tire processing facility application complies with the requirements of sections 260.200 – 260.345, RSMo and the corresponding rules, the department may approve the application and issue a permit.

January 2008

MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL QUALITY





**SCRAP TIRE PROCESSING FACILITY
PERMIT APPLICATION
GUIDANCE DOCUMENT**

APPLICANT:

APPLICATION ADMINISTRATIVE REQUIREMENTS

I. Permit Application Form

Complete an application form provided by the department. Each blank on the form must be completed, as applicable, and the form must be signed by both the operator of the scrap tire processing facility and the property owner.

II. Permit Application Fee

The application must include a nonreturnable \$200.00 application fee. The fee shall be paid by certified check or money order made payable to the Department of Natural Resources.

III. Evidence of Property Ownership

Provide verification that the “person” listed as the property owner is the owner of the property. A copy of the warranty Deed will satisfy this requirement. Indicate where this document is located in the application:

IV. Evidence of Compliance with Local Zoning Requirements

- The application must include an explanation of the local zoning and other local requirements. If required, zoning permits and local approvals must be obtained before the SWMP will review the application. The application must include one of the following: a copy of the letter(s) from the local governing authorities stating that there are no local requirements applicable to the scrap tire processing facility; copies of all required local permits, licenses, approvals or equivalents; a letter from the local governing authorities unconditionally stating that all applicable permits, licenses, approvals or equivalents will be issued upon issuance of the department’s approval of the application; or a court order indicating that the owner/operator is exempt from local requirements. Indicate where this documentation is located in the application:
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V. Violation History Information

Requirement:

As required by the Solid Waste Management Law, Section 260.241, RSMo, the department must consider the prior operating history of the applicant to determine if the applicant is a habitual violator of the laws and rules, which pertain to solid or hazardous waste. If an applicant is determined to be a habitual violator, this is considered grounds for denial of the application.

Information to be submitted:

Complete the attached Violation History Disclosure Statement. You may need to request assistance from an attorney in completing the violation history information.

VI. Evidence of Compliance with DNR Water Protection Program Requirements

The application must include documentation verifying that the scrap tire processing facility is in compliance with the requirements of the department's Water Protection Program (WPP) (for example, submit a copy of the storm water permit issued by the WPP or submit a copy of the permit application filed with the WPP). Runoff protection must also be addressed in the Site Plans and Operational Plans section of this document. For further information contact the WPP at (573) 751-1300. Indicate where this documentation is located in the application:

VII. Evidence of Corporate or Fictitious Name Registration

Provide exact company name: _____

Provide MO registration number (if applicable): _____

SITE PLANS AND OPERATIONAL PLANS

I. Storage

A. Fire Protection

Requirements:

- Whole, cut, chipped or shredded scrap tires stored indoors shall meet the fire prevention, exposure protection and fire fighting access guidelines contained in the *International Fire Code*, 2006 edition. (The 2006 International Fire Code (IFC) may be purchased from the International Code Council by calling 1-888-422-7233)

Information to be submitted for Outside Storage:
(For indoor storage requirements, see the 2006 IFC)

1. Submit topographic and boundary surveys prepared by a registered land surveyor showing contour intervals of 10 feet or less. This survey shall have a scale of not less than 1 inch equals 400 feet.

- a. The minimum distance between outside scrap tire storage and buildings must be in accordance with the 2006 IFC. The 2006 IFC describes the minimum required separation distance. The survey map must show the distance between tire piles (existing and planned tire piles) and buildings. If means other than separation distance are used to protect buildings, these means must be documented:

- b. The minimum distance from adjoining properties must be no less than 50 feet and compliant with the 2006 IFC. If this clear space cannot be provided, a dirt berm 1½ times the pile height must be provided. The survey map must show the distance between the tire piles (existing and planned tire piles) and adjoining properties and the location of the dirt berms, if applicable.
- c. The maximum tire pile dimensions must not exceed an area of 5,000 square feet and 10 feet in height (50,000 cubic feet). The survey map must show the dimensions of the tire piles (existing and planned tire piles).

- d. The minimum distance between isolated tire piles must be at least 40 feet in order to comply with the 2006 IFC. If this clear space cannot be provided, a dirt berm 1½ times the pile height must be provided. The survey map must show the distance between the tire piles (existing and planned tire piles) and the location of the dirt berms.
- e. If a dirt berm is to be used to comply with these requirements, the application must specify soil types, side slopes needed for a stable bank and to minimize erosion, procedures to establish and maintain vegetative growth to combat erosion, and methods for borrow areas to be reclaimed. The plans for the berm must be prepared or approved by a professional engineer. If dirt berms are to be used, indicate where the detailed information specified above is located in the application:

2. Submit a map showing the land use and zoning within 500 feet of the property boundaries, including the location of all residences, buildings, utilities, easements, wetlands and sinkholes. This map shall have a scale of not less than 1 inch equals 400 feet.

3. Describe in detail how the tires will be stored at the site to comply with the following requirements:

- a. The method of stacking must be solid piles in an orderly manner. Explain how the tires will be stacked.

- b. The distance between scrap tire storage and grass, weeds, or brush must be at least 40 feet. Explain how the grass, weeds, and brush will be controlled within 40 feet of the tire piles.

- c. The local fire protection agency must be contacted for requirements/recommendations for all-weather roadways to and within the scrap tire storage area and for requirements/recommendations on emergency planning.

- The plans must describe the provisions for all-weather roadways and for emergency planning. The emergency planning must include a description of the actions site personnel must take in case of fire, including evacuation procedures for site personnel and the surrounding community, if applicable; the procedures, materials and equipment to be used to prevent the spread of a fire to surrounding piles of tires, buildings and property; the procedures, materials and equipment to be used to extinguish the fire; and actions to be taken to prevent runoff from leaving the site. Also, specify the testing and follow-up requirements for proper disposition of any runoff, contaminated soil, or debris resulting from the tire fire. Indicate where this documentation is located in the application:

-
- The application must include documentation verifying that the applicant has submitted the above plans for all-weather roadways and for emergency planning to the local fire protection agency. The application must also include documentation showing that the local fire protection agency has verified that these plans are in compliance with local fire protection agency's requirements/recommendations.

Please Note: Requirements for water supplies are contained in the 2006 IFC. Several states' experience with tire fires shows that water should not be used to extinguish a fire. If water is to be used to extinguish or control the fire, a discussion of how the runoff will be contained must be included. Please review the attached technical bulletin regarding tire fires.

If it does not present a hazard to the operator; bulldozers, front-end loaders and similar equipment may be used to move tires not yet involved in the fire, to create breaks in the tire pile or to cover burning tires with soil.

All fire control measures must be discussed with and approved by the local fire protection agency.

Indicate where this documentation is located in the application:

-
- d. Potential ignition sources must be eliminated (e.g. combustibles, welding, and open fires are prohibited on-site), combustibles must be stored and protected, or removed as they accumulate. Safeguards must be provided to minimize the hazard of sparks from equipment such as burners, boiler stacks, vehicle exhaust, etc. Describe the methods/procedures to be utilized to comply with these requirements.
-

B. Runoff Protection

Requirement:

Surface water drainage must be diverted around and away from the scrap tires. Surface water drainage must be considered so that tire piles remain stable and do not wash off-site. Also, if keeping the tires dry is the means for controlling vectors, surface water and rainwater must be kept out of the tires.

Information to be submitted:

Detail the methods for diverting surface water drainage away from the scrap tire piles and explain how these methods satisfy the above requirement. Indicate where this information is located in the application:

C. Location

Requirement:

Scrap tire processing facilities shall not be located in a wetland, sinkhole or floodplain (unless protected against at least the 100 year flood design by impervious dikes or other appropriate means to prevent floodwaters from contacting the scrap tires).

Please Note: The Federal Emergency Management Agency (FEMA) produces a "Flood Hazard Map". If this map is available in your area, it may be used to assist you or your consultant in determining whether your scrap tire processing facility is in a floodplain. Information concerning this map may be obtained by contacting FEMA at 1-877-FEMA MAP.

Information to be submitted:

Any wetlands or sinkholes must be shown on the survey map and the land use and zoning map submitted with the application. Indicate whether the site or a portion of the site is located in the following areas:

Wetland: YES NO

If YES, the scrap tires must not be stored in the portion of the site containing wetlands. Additionally, the application must include documentation verifying that tires will not be stored in the portion of the site containing wetlands. Indicate where this information is located in the application:

The Corps of Engineers, the U.S. Fish & Wildlife Service, the Agricultural, Conservation & Stabilization Service, the Soil Conservation Service and the Environmental Protection Agency regulate the protection

of wetlands. These agencies have a working document pertaining to the definition of a wetland. Contact these agencies directly, if you have questions concerning their regulations.

Sinkhole: YES NO

If YES, the scrap tires must not be stored within 100 feet of the sinkhole. Additionally, the application must detail how the sinkhole will be protected to keep out the scrap tires and any potential runoff from a scrap tire fire. These plans/provisions must be prepared or approved by a professional engineer. Indicate where this documentation is located in the application:

Floodplain: YES NO

If YES, the scrap tire processing facility must be protected against the 100 year flood design by appropriate means to prevent floodwaters from contacting the scrap tires. Detail the provisions for protection of the scrap tire processing facility from the 100 year flood and provide an evaluation of the potential problems created by any modification of the flood flow due to the location of the site. These plans/provisions must be prepared or approved by a professional engineer. Indicate where this documentation is located in the application:

D. Site Control

Requirement:

Scrap tire processing facilities shall be fenced or enclosed or otherwise made inaccessible. Signs must be posted to prohibit unauthorized entry.

Information to be submitted:

1. Describe the fencing or other method(s) for controlling access to the site. This must also be shown on the boundary map submitted with the application. _____

2. List the wording to be placed on the signs and describe where the signs will be located at the site. Wording such as "ACCESS RESTRICTED TO AUTHORIZED SCRAP TIRE HAULERS ONLY" may be used.

- E. Vector Control (To aid development of a vector control plan, applicants may request a Vector Control Plan Worksheet for the use of Mosquito Controlling Insecticide.)

Requirement:

Conditions shall be maintained that are unfavorable for the harboring, feeding, and breeding of vectors. If the method being used to control vectors is not effective, the owner/operator of the scrap tire processing facility must use an alternative method to correct the vector problem. The owner/operator of a scrap tire processing facility storing tires shall use one or more of the methods of vector control required by the scrap tire rules.

Information to be submitted:

Indicate which of the following four method(s) are used to control vectors:

1. Tires are drained of water, and kept dry.

- a. Indicate which of the following storage method(s) are used to keep the tires dry:

Stored in a building.

Stored in a trailer. Describe how water is kept out of the trailer.

- Stored under cover. Describe the cover and explain how the cover is maintained to be impermeable to water.

- 2. Tires are altered so as not to retain water.

- a. Explain how the tires will be altered and stored so that the tires do not retain water. Attach a diagram if necessary to show how the tires will be altered and stored.

- 3. The tires shall be treated with a larvicide and/or an adulticide that is appropriate to prevent the development of mosquito larvae and pupae and the treatment shall be repeated as often as necessary to prevent such development. The effectiveness and life of the larvicide and/or adulticide utilized must be considered when determining the frequency of application.

- a. Explain how the larvicide and/or adulticide will be applied so that it reaches all the tires in the tire piles.

- b. Explain how the operator of the scrap tire processing facility will determine whether the larvicide and/or adulticide must be reapplied.

- c. List the larvicide/adulticide to be used: _____

- d. Attach a copy of the instructions for mixing and application. Indicate where in the application the instructions are located: _____

- e. List the volume of larvicide/adulticide to be used (measured as a volume per 1000 tires or a similar measurement): _____

- 4. Another method will be used to control mosquitos and other vectors. Indicate where in the application this method is documented: _____

F. Final Disposition of the Scrap Tires

Requirement:

Scrap tire processing facilities are only for the **temporary** storage of scrap tires. Describe the plans for final disposition of the scrap tires. Indicate where this documentation is located in the application: _____

II Recordkeeping

Requirements:

All records required by the scrap tire processing facility regulation must be kept for at least 3 years. The period of record retention extends upon the written request of the department or automatically during the course of any unresolved enforcement action regarding the regulated activity. The records shall be made available for inspection by the department or its designated representative upon request. The records shall include but are not limited to the following:

- A. Major operational problems, complaints and difficulties;
- B. The approximate number of tires received each week, number of tires removed each week, final disposition of removed tires and the name and permit number of each scrap tire hauler bringing tires to or removing tires from the processing facility. If hauling own tires, receipts from the final destination must be retained. This information shall be summarized monthly; and

- C. Records of vector control activities. For a scrap tire processing facility utilizing a larvicide and/or adulticide for vector control, the records shall include the following:
1. If a registered pest control company applies the larvicide/adulticide, record the company name and the date of application.
 2. If a registered pest control company does not apply the larvicide/adulticide, record type(s) of larvicide/adulticide utilized, amount utilized and date applied.

Information to be submitted:

The SWMP has developed two forms for scrap tire processing facility recordkeeping entitled "Scrap Tire Site Log Sheet" and "Scrap Tire Site Operations Records". Indicate whether the facility will use the SWMP recordkeeping forms. YES NO

If NO, attach copies of the recordkeeping forms to be used by the scrap tire processing facility that comply with the minimum recordkeeping requirements of the scrap tire rules. Indicate where these forms are located in the application:

III Closure and Financial Assurance Instrument (To augment document compilation, applicants may request a Worksheet for Closure Plan and Financial Assurance to aid development of a closure plan and establishment of a financial assurance instrument.)

A. Closure Plans:

Requirements:

- Plans for closure of the scrap tire processing facility shall include methods, time schedules and cost estimates for removal of all scrap tires and site clean-up and restoration activities.
- The closure cost estimates must reflect third party contractor costs.
- The cost estimates submitted shall be adjusted for the succeeding 5 years based on the projected rate of inflation.
- The closure cost estimates shall be reviewed and adjusted every 5 years based upon the actual rate of inflation for the preceding 5 years and the projected rate of inflation for the succeeding 5 years. This must be submitted to the department for review prior to the fifth anniversary date of permit issuance.
- The owner/operator of a scrap tire processing facility shall notify the department in writing at least 90 days prior to the date the owner/operator expects to begin closure.

- The owner/operator shall begin implementation of the closure plan within 30 days after the closure date specified in the closure plan.
- The owner/operator of a permitted scrap tire processing facility as a part of site closure, shall execute an easement with the department, which allows the department, its agents or its contractors to enter the premises to complete work specified in the closure plan, to monitor or maintain the site, or take remedial action. A form is attached for this purpose.
- If changes in the design and/or operation of a scrap tire processing facility make modifications in the closure plans or cost estimates necessary, modified closure plans and cost estimates shall be submitted to the department for approval prior to implementation of the changes.

Information to be submitted:

1. Removal and clean-up plans and cost estimates for the site.

a. Scrap tires shall be removed from the site and taken to a site or facility that has obtained applicable permits from the department, or a legal destination in another state. Specify the following:

- The name and address of the site(s) or facility(ies) that will be accepting the tires when your site is closed:

(1) _____

(2) _____

(3) _____

- The application must include a letter from the owner/operator of the site(s) or facility(ies) listed above documenting the number of tires that will be accepted. The letter(s) must also specify the cost charged to your processing facility for acceptance of these tires. The cost estimates must be based on the maximum number of tires to be stored at the site. Indicate where the letter(s) is/are located in the application:

- The application must include a letter or a copy of an estimate from a third party(ies) documenting the cost of loading and hauling the scrap tires to the receiving site(s)/facility(ies). The cost estimates must be based on the maximum number of tires to be stored at your site. Indicate where this letter/estimate is located in the application:
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- List the maximum number of tires to be stored at your scrap tire processing facility:
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b. All other solid waste must be removed.

- If the site were closed, list any other items that would require disposal as solid waste:
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- The application must include a letter or a copy of an estimate from a third party documenting the cost of removing this waste from the site and taking it to a facility that can properly manage waste. Indicate where this letter/estimate is located in the application:
-

2. Site restoration plans and cost estimates for the site.

a. Any contaminated soil, debris, and/or residue must be removed from the site and taken to a facility that can properly manage the waste.

- If the scrap tire processing facility is closed, explain whether any contaminated soil, debris, and/or residue will be present at the site requiring disposal:
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- If contaminated soil, debris, and/or residue is present, the application must include a letter or a copy of an estimate from a third party documenting the cost of removing this waste from the site and taking it to a facility that can properly manage the waste. Indicate where this letter/estimate is located in the application:
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- b. Place topsoil and establish vegetation in a manner as to minimize erosion and control drainage.
- Specify the land requiring vegetation in square feet or acres. (If all or part of the permitted scrap tire facility is not suitable for re-vegetating, explain why not.)
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- The application must include a copy of an estimate from a third party documenting the cost for re-establishment of vegetation at the site including topsoil, fertilizer, seed and mulch. This must include the cost of the third party to do the work. Indicate where this estimate is located in the application:
-

You may wish to contact the University of Missouri Extension Center, the Department of Conservation or the Soil Conservation Service for guidance on establishing vegetation in your area.

B. Financial Assurance:

Requirements:

The amount of the financial assurance instrument shall be based on the current costs of similar cleanups using data from actual scrap tire cleanup project bids received by the department to remediate sites of similar size.

The financial requirement for closure may be satisfied by establishing a trust fund or escrow account, securing a financial guarantee bond or a performance bond, obtaining an irrevocable letter of credit or insurance, or a combination of these. This requirement may also be satisfied by meeting a financial test and by using a corporate guarantee. A municipality or county may satisfy the requirements by signing a contract of obligation.

Information to be submitted:

1. Documentation must be submitted showing the maximum number of tires to be stored on-site. Indicate where this documentation is located in the application:

2. Complete Table 1.
3. The application must include a draft of the proposed financial assurance instrument(s). Indicate where the draft proposed financial assurance instrument is located in the application:

Table 1

Calculation of Financial Assurance Obligation

Closure Requirements	Closure Costs
Maximum number of tires to be stored at the site:	
Cost for removal and proper disposal of the scrap tires from the site:	\$
[Closure cost per tire, based on current clean up costs of sites of similar size = _____]	
Cost for removal and proper disposal of contaminated soil, debris, residue, or other solid waste from the scrap tire facility:	\$
Cost for revegetation of the site:	\$
TOTAL CLOSURE COST OBLIGATION FOR FINANCIAL ASSURANCE INSTRUMENT	\$

IV Contingency Plan

Requirements:

A contingency plan designed to minimize the hazards to human health and the environment from fires, and from mosquitos in case of failure of the primary method of vector control shall be submitted.

Information to be submitted:

- Emergency planning with the local fire protection agency as outlined on pages 6 & 7 of this document.
- Documentation must be submitted verifying that the applicant provided a copy of the fire contingency plan to the local law enforcement agency. Indicate where this document is located in the application:

- Describe the action site personnel must take if the vector control method previously documented in the application fails to adequately control vectors:

SIGNATURE OF OPERATOR:	DATE:
PRINT NAME AND TITLE OF PERSON WHO SIGNED ABOVE:	
SIGNATURE OF PROPERTY OWNER:	DATE:
PRINT NAME AND TITLE OF PERSON WHO SIGNED ABOVE:	
I, the preparer of this application for this scrap tire processing facility, submit this application for compliance with the requirements of Sections 260.200 – 260.345, RSMo and the corresponding rules. I recommend that the plans, drawings and associated documents be accepted and approved by the Missouri Department of Natural Resources.	
SIGNATURE OF PREPARER:	DATE:
PRINT NAME AND TITLE OF PERSON WHO SIGNED ABOVE:	

Reminder: Three copies of the completed application (guidance document with attachments, survey maps and zoning maps) and the \$200.00 application fee must be submitted to the department in person or by certified mail. Please also be advised that an applicant's responsibility to reimburse the department for review costs is required irrespective of whether the department approves or denies an application.

January 2008

**Missouri Department of Natural Resources
Solid Waste Management Program**

**AGREEMENT FOR EASEMENT,
NOTICE AND COVENANT RUNNING WITH LAND**
(Standard Form 4-11-96)

This Agreement made this _____ day of _____, 20____, between the Missouri Department of Natural Resources, hereinafter called Department and

_____, hereinafter called Owner, to satisfy the requirements of the Missouri Solid Waste Management Law.

WITNESSETH.

Owner wishes to execute an Agreement for Easement, Notice and Covenant Running with Land for a scrap tire processing facility on property owned by Owner in _____ County, Missouri, and more fully described as follows: (Insert detailed legal description, as per Deed conveying title)

Owner has access to the above described facility as follows: (Insert detailed legal description, as per Deed conveying title, and separately identifying access property not owned by landowner)

NOW, THEREFORE, in consideration of the mutual covenants of the parties and other valuable consideration, receipt of which is hereby acknowledged, the Department and Owner agree as follows:

1. The Department will issue Scrap Tire Processing Facility Operating Permit No. _____ to _____, dated _____, 20____, for (insert person(s) that permit is issued to) the operation of a scrap tire processing facility by Owner [and _____] in (insert name of operator, if different than Owner)

compliance with the provisions pursuant to the Missouri Solid Waste Management Law.

2. The owner hereby grants, bargains, sells and conveys to the Department, its agents, contractors, successors and assigns an easement in the scrap tire processing facility described above, together with an easement in the access property owned by landowner as described above, to enter the scrap tire processing facility as necessary to complete work specified in the closure plan, or to monitor or maintain the site if specified in a post-closure plan, or to take remedial action during the post-closure period. "Closure plan", "post-closure plan", and "post-closure period" are defined pursuant to the Missouri Solid Waste Management Law and for the purpose of this agreement are described in permit number _____. If the scrap tire processing facility is accessible only through property not owned by landowner, the owner/operator should obtain a separate easement from the access property's owner(s) in favor of the Department for appropriate access. The Department will provide assistance if this is necessary.

3. This agreement, when filed by the Owner with the Recorder of Deeds for _____ County, Missouri, shall serve as notice that the property described herein has been permitted as a scrap tire processing facility and, that use of the property in any manner which interferes with the closure and, where appropriate, post-closure plans filed with the Department is prohibited.

4. The owner, heirs, successors in title, personal representatives and assigns shall not use the herein described property in any manner which interferes with any closure and/or post-closure plans which are filed with the Department. Further, the use of the herein described property is subject to the Missouri Solid Waste Management Law and the rules promulgated thereunder.

5. Any restriction in this agreement on the use of the herein described property is a covenant running with the land.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

OWNER:

MISSOURI DEPARTMENT OF NATURAL RESOURCES:

Name: _____

Director

Title: _____



MISSOURI DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF ENVIRONMENTAL QUALITY
VIOLATION HISTORY DISCLOSURE STATEMENT

This worksheet is to be used to satisfy the requirements of 10 CSR 80-2.070 and 2.020 to submit a disclosure statement as part of an application for a construction permit, a change of ownership and annual updates. The completed worksheet must be submitted with the applicable attachments.

1. Does there exist any corporation or business which owns an interest in the applicant, permittee or any business which is owned either wholly or in part by any person, corporation or business which owns an interest in the applicant or permittee?

Check one: YES NO If no, skip 1b and 1c.

a. The names, social security number and date of birth of each officer or management employee (as defined by 10 CSR 80-2.070(5)(C)) of the applicant or the corporations or businesses as described in 1 of this worksheet must be submitted. Provide this information on the attached Officer/Management Employee Summary Sheet.

b. Attach the structure of the applicant or permittee firm in relation to the corporations or businesses as described in 1 of this worksheet.

c. Does there exist a parent firm of the applicant or permittee? Check one: YES NO
 If yes, attach a copy of the most recent annual Securities and Exchange Report Form 10-K for the parent firm. If no annual Securities and Exchange Report Form 10-K is required, please explain.

2. Do there exist any facilities (as defined by 10 CSR 80-2.070(5)(A)) which had or have held any environmental permit within the last five (5) years in Missouri or in the United States? Check one: YES NO

If yes, attach a list of all such facilities and for each identify the following:

- a. Permits or identification numbers;
- b. Type of permit, license, certification or equivalent document and dates held;
- c. Name under which the permits or equivalent documents were issued;
- d. Address or location of the facility; and
- e. Issuing agency.

3. Have there been any environmental violations (as defined by 10 CSR 80-2.070(5)(D)) cited within the last five (5) years incurred by the applicant (permittee) or persons as defined by 10 CSR 80-2.070(5)(B). Check one: YES NO

If yes, attach a list of all such violations and include the following information:

- a. Dates of violations;
- b. A brief description of the violation;
- c. Citations to each specific statute or other regulation that was violated;
- d. Name and location of the facility cited;
- e. Name and address of issuing agency; and
- f. Identification of those violations having an appeal pending.

4. Have there been any restraint of trade convictions (as defined by 10 CSR 80-2.070(5)(E)) within the last five (5) years of the applicant, permittee or persons as defined by 10 CSR 80-2.070(5)(B)? Check one: YES NO

If yes, attach a list of all such convictions and include the following information:

- a. Dates of convictions;
- b. A brief description of each conviction;
- c. Citations to each specific statute or other regulation that was violated;
- d. Identification of the court and case number; and
- e. Identification of convictions having an appeal pending.

VIOLATION HISTORY DISCLOSURE STATEMENT (CONTINUED)

5. Is this pertaining to an application or permit for a commercial solid waste processing facility or solid waste disposal area?

Check one: YES NO

If no, skip to 6.

a. Has the applicant, permittee, or persons as defined by 10 CSR 80-2.070(5)(B) had any environmental permit denied by a state or federal agency within the last five (5) years? Check one: YES NO

If yes, for each denial attach the following:

- (1) Date of denial;
- (2) A brief description of the reason(s) for denial;
- (3) Type of permit denied; and
- (4) A certified copy of each denial letter or court order

b. Have there been any convictions by state or federal agencies occurring within the last five (5) years incurred by the applicant, permittee, or persons as defined by 10 CSR 80-2.070(5)(B)? Check one: YES NO

If yes, attach a list of all such convictions and include the following information:

- (1) Dates of convictions;
- (2) A brief description of each conviction;
- (3) Citations to each specific statute or other regulation that was violated;
- (4) Identification of the court and case number; and
- (5) Identification of convictions having an appeal pending.

6. Has the applicant, permittee or persons as defined by 10 CSR 80-2.070(5)(B) had any convictions in this state of municipal or county public health or land use ordinances related to the management of solid waste occurring within the last five (5) years?

Check one: YES NO

If yes, attach a list of all such convictions and include the following information:

- a. Dates of convictions;
- b. A brief description of each conviction;
- c. Citations to each specific statute or other regulation that was violated;
- d. Identification of the court and case number; and
- e. Identification of convictions having an appeal pending.

7. Has the applicant (permittee) or persons as defined by 10 CSR 80-2.070(5)(B) been adjudged in contempt of any court order enforcing the provisions of the Missouri solid waste or hazardous waste management laws? Check one: YES NO

8. Summarize the information in 2 through 7 above on the attached Violation History Summary Sheet.

I, the undersigned, certify that the information supplied herein is correct. I understand that the Missouri Department of Natural Resources (MDNR) shall deny or revoke a permit for failure of the applicant or permittee to provide the required information or for submission of false information. In addition, I understand that the MDNR may, for good cause, deny or revoke a permit for failure of the applicant to provide complete information when the submission of such information is required by 10 CSR 80-2.070. I understand that the MDNR or its representative shall verify the information provided on the disclosure statement as required by section 260.205.19, RSMo.

SIGNATURE OF APPLICANT, PERMITTEE OR AUTHORIZED REPRESENTATIVE

DATE

PRINT NAME AND TITLE OF INDIVIDUAL WHO SIGNED ABOVE

