

State of Kansas

Department of Health and Environment

Bureau of Waste Management
1000 SW Jackson, Suite 320, Topeka, Kansas 66612-1366 (785) 296-1600

PERMIT

No. 3034

To operate a waste tire transporter in compliance with the provisions of Kansas Statutes Annotated 65-3424 et. seq.; the Kansas Administrative Regulations 28-29-32 and 28-29-33; and the related solid waste management laws.

Permission is hereby granted

to ECOTIRE TREADING CO LLC dba ECOSHRED
(name of governmental entity, corporation or person)

to operate as a WASTE TIRE TRANSPORTER
from the location of 2848 N LE COMPTE RD, SPRINGFIELD, MO

in compliance with the attached general conditions and with all of the following documents submitted by the permittee and approved by the Department of Health and Environment:

N/A



Done at Topeka, this 21st day of June 20 22

Janet Stanek
Department of Health and Environment

GENERAL CONDITIONS
ECOTIRE TREADING CO LLC DBA ECOSHRED
Waste Tire Transporter
Permit No. 3034

As used in this Permit the following definitions apply, unless the context indicates otherwise.

"Department" means the Kansas Department of Health and Environment (KDHE) and its officers, authorized agents and employees.

"Secretary" means the secretary of the Kansas Department of Health and Environment.

"Permit" means a limited authorization issued by the Secretary under the authority of Kansas Statutes Annotated (K.S.A.) 65-3424b to own or operate as a Waste Tire Transporter pursuant to the conditions described, in the application as approved by the Department.

"Permittee" means any person(s) to whom this Permit is issued (a) who owns, in whole or in part, or operates any business described in this Permit; and/or (b) owns the equipment used for a business described herein.

Unless the context indicates otherwise, words and phrases used in this Permit shall have the meanings defined by K.S.A. 65-3424 and 65-3402 as amended and Kansas Administrative Regulations (K.A.R.) 28-29-28 and 28-29-3 as amended.

1. This Permit, along with its general conditions does not release the Permittee from any liability, penalty, obligation or duty imposed by state or federal statutes or regulations, county resolutions or city ordinances except the obligation to obtain this Permit.
2. This Permit does not convey any property right of any sort or any exclusive privilege.
3. This Permit shall not be construed as estopping or limiting any claims against the Permittee for damage or injury to person(s) or property or to any waters of the state resulting from any acts, operations, or omissions of the Permittee, its agents, contractors, or assignees, nor as estopping or limiting any legal claim of the state against the Permittee, its agents, contractors, or assignees, for damage to state property, or for any violation of the terms or conditions of this Permit.
4. This Permit is subject to modification by the Department at the time of any scheduled renewal or: (a) whenever the modification is needed to reflect changed state or federal rules, (b) to incorporate changes in the operations plan, (c) to make other modifications proposed by the Permittee and approved by the Department, (d) whenever the Department determines that modification is necessary to prevent or reduce actual or potential hazard(s) to the public health or safety, or pollution or

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contamination of the environment or, (e) because of changed or unforeseen circumstances. The filing of a request by the Permittee for a permit modification, or the filing of a notice of anticipated noncompliance does not stay any permit condition. Approval from the Department must be obtained prior to any modifications to the operating plan approved with this Permit. The Department shall determine which modifications may be incorporated in the permit or incorporated by reference.

5. This Permit is not transferable in accordance with K.S.A. 65-3424k(g).
6. When the Permittee submits a complete and timely application for renewal of this Permit they may continue to conduct the permitted activity at the permitted location until the Department takes final action on the permit renewal application if:
 - (a) The Permittee is in compliance with the terms and conditions of this Permit; and
 - (b) The Department, through no fault of the Permittee, has not taken final action on the application on or before the renewal date of this Permit.

The conditions in Permits continued under this paragraph remain fully effective and enforceable.

7. The provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, shall apply in any proceeding to suspend or revoke this Permit. Whenever any appeal is filed under a proceeding to suspend or revoke this Permit, venue shall lie in Shawnee County, Kansas.
8. Permittee shall satisfy all of the following:
 - (a) Duty to Comply. Permittee shall comply at all times with the terms and conditions of this Permit, and all applicable state and federal statutes and regulations.
 - (b) Duty to Maintain. Permittee shall properly operate and maintain all equipment, control systems, and vehicles that the Permittee installs or uses to conduct the permitted activity.
 - (c) Duty to Mitigate. Permittee shall remedy, and shall act with due diligence to prevent, all potential and actual adverse impacts to persons, property and the environment resulting from noncompliance with the terms and

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conditions of this Permit. The Permittee shall repair all damages caused by such noncompliance at their own expense.

- (d) Duty to Provide Information. Permittee shall provide the Department, within five (5) working days or other period specified in a request by the Department, any information relevant to this Permit.
 - (e) Continuing Duty to Inform. The Permittee shall immediately report to the Department any omitted or incorrect facts in the permit application. In addition, the Permittee shall report in writing at least thirty (30) days in advance of any planned change in the operations which could result in noncompliance with this Permit or which could require a change in this Permit.
 - (f) Entries and Inspections. For the purposes of inspections and protecting the public health, safety or welfare, or the environment, the Permittee shall allow personnel or authorized agents of the Department access to records as described in K.A.R. 28-29-16.
9. Records. All records and copies of all applications, reports, and other documents required shall be kept by the Permittee for the period applicable to the type of operation as specified in Kansas statutes and regulations. This period shall be automatically extended for the duration of any enforcement action taken on this Permit or may be extended by order of the Department.
10. All unintentional, inadvertent, or accidental loss of waste tires shall be verbally reported to the Department within twenty-four (24) hours and in writing within three (3) working days, and to all other persons to whom such losses must be reported pursuant to state and federal laws or regulations.
11. Force Majeure.
- (a) An obligation for the Permittee to perform according to this Permit may be suspended with the written approval of the Department in the event unforeseen and uncontrollable circumstances occur which necessarily and unavoidably prevent performance of the terms of this Permit. No events other than unforeseen, uncontrollable circumstances, however catastrophic, shall excuse nonperformance of the permit conditions by Permittee.

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- (b) In the event Permittee is rendered unable, wholly or in part, by the occurrence of unforeseen, uncontrollable circumstances to carry out any of its obligations under this Permit, then that obligation of the Permittee, to the extent affected by the occurrence, and to the extent that due diligence is being used to resume performance as soon as practicable, may be suspended during the continuance of the inability so caused, but for no longer than one (1) year. The Permittee shall immediately notify the Department intent to assert force majeure to suspend affected permit obligations and provide documentation to justify invoking force majeure.
 - (c) In the event Permittee is unable to properly transport or drop off for disposal any waste tires because of the occurrence of unforeseen, uncontrollable circumstances, the Permittee shall designate and arrange for alternate equipment or an alternate disposal facility to which waste tires may be diverted for disposal until the equipment or facility is able to resume management of the waste tires.
 - (d) In the event that any damage to the environment occurs due to the unforeseeable, uncontrollable circumstances, the Permittee shall take all action determined necessary by the Department to mitigate and remediate such damage.
12. Personnel Training. Permittee shall instruct or give on-the-job training to personnel involved in any activity authorized by this Permit, so that such instruction or on-the-job training teaches such personnel how to comply with the conditions of this Permit and to carry out the authorized activity in a manner that is not hazardous to the health and safety of the personnel or to the public health, safety, or welfare, or to the environment. A written report summarizing the type of training provided, the dates the training was presented and the names and addresses of personnel receiving the instruction shall be retained in the business operating records.
13. The Permittee shall apply for renewal of this Permit at least thirty (30) days prior to the renewal date on the face of this Permit. The Department has no duty to notify the Permittee in advance of the renewal date. The Permittee shall submit the following materials to the Department to renew this Permit:
- (a) Waste Tire Transporter Permit Renewal Form (K.A.R. 28-29-32(c)(1) and (2));
 - (b) Proof of financial assurance. (K.A.R. 28-29-32(c)(3)); and

- (c) Renewal fee (K.A.R. 28-29-32(c)(4)).
14. Failure to provide the materials required by paragraph 13, above, or to complete other renewal requirements made necessary by law or rule and regulation on or before the anniversary date of the permit issuance shall result in suspension of this Permit by order of the Secretary in accordance with paragraph 7, above.
 15. The operations phase of this Permit shall expire upon the occurrence of:
 - (a) The receipt of written Department approval of permit cancellation; or
 - (b) The end of the active life of this Permit whether caused by an order from the Department, or the district court, or a permanent, voluntary cessation of the receipt or disposal of waste tires.
 16. In the case of a fire associated with waste tire operations, the operator shall perform all of the following:
 - (a) Initiate and continue the use of appropriate firefighting methods until all smoldering, smoking, and burning cease; and
 - (b) Notify the Department within one business day after the occurrence of any fire and submit a written report to the Department within one week of the incident.
