

Sub-part 7501 - Maintenance

Chapter 03008 Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste

Purpose

- 100 To Establish a Policy on Permits for Location of Solid Waste Collection Stations on State Highway Rights of Way.
- 101 This rule details requirements for the location of solid waste collection stations upon state highway rights of way.
- 102 Solid waste collection stations may be located upon state highway rights of way in accordance with the following requirements:
 - 1. Location of solid waste collection stations on state highway rights of way may be permitted only in instances where no practicable and feasible location off state highway rights of way can be found. The applicant shall provide adequate parking for the station site(s). The driveway for the station site(s) shall have adequate stopping sight distances as indicated in Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
 - 2. Solid waste collection stations are not to be located on the rights of way of freeways, rights of way of partially controlled access highways, and at locations on the rights of way of any highway where access to and from the abutting property is prohibited.
 - 3. Permit applications will be submitted on Form MND-001, Application for Permit to Construct Driveway, and such application shall conform to the requirements of Rule 37.I.7501.04002, Right of Way Encroachment Permits, Rule 37.I.7501.03001, Processing of Permit Applications and with Sections A, B, and C of Rule 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
 - 4. Where the abutting property is owned by the county or municipality, a permit for locating a collection station on highway right of way will not be approved; however, the applicant may request approval for a driveway permit for access for the collection station.
 - 5. The application for location of the station on state highway right of way will not be considered unless the application includes thereon on a properly executed statement reading as follows:

I, (we) the owners of the property abutting the highway right of way on which this collection station is located agree to the location as shown and understand that this agreement becomes a part of the approved permit.

Owner: _____ Signed: _____
Witness: _____ Signed: _____

The statement is to be signed by the fee simple owner or owners of record and leaseholders, if any, and if the abutting property is a homestead, the spouse and/or heirs will sign. The statement shall be notarized and witnessed.

6. The application may provide for driveways with an aggregate surface as a temporary measure, however, outlines of required paving for the permanent facility will be shown on the permit application.
7. In addition to any other pertinent statements, prior to execution by the applicant or applicants, the application will contain the following:

As a condition for the approval of this permit the applicant shall comply with the following:

- A. Construct the facility shown on this application at its own expense and at such time as it is no longer feasible to operate the station further agrees to remove same and restore the highway rights of way to a condition acceptable to the Chief Engineer-Deputy Executive Director of the Mississippi Department of Transportation, hereinafter "Department".
- B. After the container has been placed at the specified location for a period of six months and its use indicates that it should be a permanent location, the applicant shall pave the area designated on the permit at the sole expense of the applicant.
- C. All waste receptacles will be constructed of solid metal, equipped with self-closing lids, meeting all requirements of the State Board of Health and designed so as to enable waste to be deposited and emptied in a manner that will not create an unsightly or unsanitary condition at the station.
- D. The applicant will keep the station area clean at all times.
- E. Upon failure of the applicant to comply with the terms of this permit, said permit may be canceled by the Department upon thirty days written notice.
- F. The applicant shall obtain any permit(s) required from the Mississippi Department of Environmental Quality (DEQ) for locating and operating any transfer, storage and/or collection station and transportation thereof on public or private property in addition to the highway permit from the Department.
- G. The waste container and all parking must be located outside the clear zone.
- H. This Rule, 37.I.7501.03008, Encroachment Permits for County and Municipally Owned Collection Stations for Solid Waste, shall be hereto attached and considered part thereof of the applicants permit and he/she shall comply with all terms herein.

REFERENCES

(All references herein to other materials are as to the most current version of that particular document.)

- 200 37.I.7501.04013, Driveway and Street Connections, Median Openings, Frontage Roads.
- 201 37.I.7501.03003, Application for Permit to Construct Driveway, Form MND-001.
- 202 37.I.7501.04002, Right of Way Encroachment Permits.
- 203 37.I.7501.03001, Processing of Permit Applications
- 204 Mississippi Department of Environmental Quality Rules and Regulations for Solid Waste Collection Stations.
- 205 For Mississippi Code see www.state.ms.us
- 206 MDOT specific rules, forms, publications, SOPs, and other support documentation are available for review at MDOT