

## NOTICE OF INTENT

Department of Environmental Quality  
Office of the Secretary  
Legal Division

## Waste Tire Regulation Revisions

(LAC 33:VII. 10501, 10503, 10505, 10507, 10509, 10511, 10513, 10514, 10515, 10516, 10517, 10518, 10519, 10521, 10523, 10524, 10525, 10527, 10529, 10531, 10532, 10533, 10534, 10535, 10536, 10537, 10539, 10541, 10543, 11101, 11103) (SW062)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII. 10501, 10503, 10505, 10507, 10509, 10511, 10513, 10514, 10515, 10516, 10517, 10518, 10519, 10521, 10523, 10524, 10525, 10527, 10529, 10531, 10532, 10533, 10534, 10535, 10536, 10537, 10539, 10541, 10543, 11101, 11103 (SW062).

This rule provides regulations for the administration and enforcement of the waste tire program, including the waste tire management fund. R.S. 30:2418(H) requires the Secretary of the Department of Environmental Quality to promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program. Section 3 of Act 427 of the 2015 Regular Legislative Session, requires the Secretary to bring any rule, regulation or guideline required by R.S. 30:2418(H) in conformity with current law by March 31, 2016. The basis and rationale for this proposed rule are to comply with the legislative mandate set forth in Section 3 of Act 427 of the 2015 Regular Legislative Session. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

This rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

This rule has no known impact on poverty as described in R.S. 49:973.

This rule has no known impact on providers as described in HCR 170 of 2014.

A public hearing will be held on December 29, 2015, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW062. Such comments must be received no later than January 5, 2016, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-4068 or by e-mail to [deidra.johnson@la.gov](mailto:deidra.johnson@la.gov). Copies of these proposed regulations can be purchased by contacting the DEQ Public Records Center at (225)

219-3168. Check or money order is required in advance for each copy of SW062. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM  
Executive Counsel

**Title 33**  
**ENVIRONMENTAL QUALITY**  
**Part VII. Solid Waste**

**Subpart 2. Recycling**

**Chapter 105. Waste Tires**

**§10505. Definitions**

A. The following words, terms, and phrases, ~~when used in conjunction with the Solid Waste Rules and Regulations,~~ shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

*Abandoned*—waste tires and/or waste tire material discarded without adhering to the proper disposal or processing standards required by these regulations.

*Act*—the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.).

*Adjustment Tire*—a tire that becomes unusable for any reason within the manufacturer's control and is returned to the dealer under a tire manufacturer's warranty ~~by the tire manufacturer~~. Tire adjustments are initiated by the consumer.

*Administrative Authority*—the Secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

*Agreement*—a written contract or other written arrangement between recipient persons and the administrative authority that outlines specific goals or responsibilities.

*Applicant*—any person submitting a grant and/or loan application for funds from the Waste Tire Management Fund or any person who submits an application to the administrative authority for a standard waste tire processing or collection center permit. An applicant can also be any person applying for authority to operate a High Volume End Use Facility, authority to utilize waste tires and/or waste tire material in an End-Market Use Project, or authority to conduct a Single Event Cleanup.

*Authorization Certificate*—written authorization issued by the administrative authority.

*Civil Engineering Project*—generally a project that requires designs and/or calculations for the construction or maintenance of the physical environment, such as roads, bridges, canals, dams, and buildings. For purposes of these regulations, civil engineering projects, include but

are not limited to, light weight backfill, leachate collection systems in landfill cell construction, or erosion control. Waste tire material used in civil engineering projects shall provide comparable or improved performance to traditional materials. Civil Engineering Projects do not include land reclamation.

*Clean Closure*—the act of closing a facility whereby all waste tires and waste tire material are removed, ~~including any resulting on-site or off-site contamination.~~

*Collection Center*—a permitted or authorized ~~location~~facility ~~denoted on an authorization certificate~~ where waste tires and waste tire material can be stored and/or collected.

*Collector*—a person who operates a collection center.

*Customary End-Market Uses*—projects that conform with generally accepted standard industry practices, including but not limited to, those recognized by the Environmental Protection Agency, the Rubber Manufacturers Association, or previously approved by the administrative authority e.g., bulkheads, tire derived fuel, and crumb rubber applications, or as otherwise determined by the administrative authority.

*Department*—the Department of Environmental Quality as created by R.S. 30:2001 et seq.

*Destination Facility*—a facility where waste tires and/or waste tire material is processed, recycled, collected, stored and/or disposed after transportation.

*Disease Vector*—animals and insects such as rodents, fleas, flies, mosquitoes, etc. ~~and other arthropods~~ that are capable of transmitting diseases to humans.

*Disease Vector Control Plan*—a plan approved by the administrative authority to control the growth and spread of disease vectors.

*Disposal*—the depositing, dumping, or placing of waste tires or waste tire material on or into any land or water so that such waste tires, waste tire material, or any constituent thereof, may have the potential for entering the environment, or being emitted into the air, or discharged into any waters of the state of Louisiana.

*Eligible Tire*—see Program Eligible Waste Tires.

*End-Market User*—any person who uses whole waste tires and/or waste tire material in an end-market use project as approved by the administrative authority. For the purposes of international and out-of-state end-market use projects, end-market user includes a port at which

waste tires and/or waste tire material is loaded for transportation by water destined for out-of-state markets.

End-Market Use Project—the utilization of whole waste tires and/or waste tire material in a manner approved by the administrative authority.

Extended Storage—any project which requires storage of more than 5,000 whole waste tires or 2,000,000 pounds of waste tire material at the end of any operational day.

Facility—any land and appurtenances thereto used for collection, storage, processing, or recycling, ~~and/or disposal of solid waste or~~ of whole waste tires and/or waste tire material, but possibly consisting of one or more units. ~~(Any earthen ditches leading to or from a facility that receive waste are considered part of the facility to which they connect; except ditches which are lined with materials which are capable of preventing groundwater contamination.)~~

Fraudulent Taking—~~the value gained from acts committed by an offender in violation of LAC 33:VII.10537.E.~~Repealed.

Generator—~~a facility~~person that whose activities, whether authorized or unauthorized, result in the production of waste tires. This may include, but is not limited to, tire dealers, salvage yards, etc~~generates waste tires as a part of its business operations.~~

Government Agencies—local, parish, state, municipal, and federal governing authorities having jurisdiction over a defined geographic area.

Government Tire Sweep—a waste tire collection event authorized by the administrative authority to allow government agencies to collect waste tires for transport to a permitted waste tire processing facility.

Grant—any funds awarded by the ~~department~~administrative authority from the Waste Tire Management Fund to a person subject to a grant agreement.

Grant Agreement—a written contract or other written agreement between the ~~department~~administrative authority and the recipient of a grant that defines the conditions, goals, and responsibilities of the recipient and the ~~department~~administrative authority.

Grant Application—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a grant from the Waste Tire Management Fund.

Grantee—the recipient of a grant or loan.

High Volume End Use Facility—a facility at which whole waste tires and/or waste tire material is utilized for projects that require extended storage and have been approved by the administrative authority. This definition also includes ports where extended storage is necessary to facilitate transportation on water to out-of-state and/or international approved end market use projects.

Ineligible Tire—see Program Ineligible Waste Tire.

Land Reclamation Project—a project utilizing waste tire material to fill, rehabilitate, improve, or restore existing excavated, deteriorated, or disturbed land for the purpose of enhancing its potential use.

Limiting Piece of Equipment—that piece of processing equipment that has the lowest daily throughput of waste tires and/or waste tire material, typically the primary shredder, unless a different piece of equipment is otherwise approved by the administrative authority.

Loan—any issuance of funds by the ~~department~~administrative authority from the Waste Tire Management Fund to a person subject to a loan agreement.

Loan Agreement—a written contract or other written agreement between the ~~department~~administrative authority and the recipient of a loan that defines the conditions, goals, and responsibilities of the recipient and the ~~department~~administrative authority.

Loan Application—an application meeting the requirements of LAC 33:VII.10541 from a person making a request for a loan from the Waste Tire Management Fund.

Major Highway—~~all asphaltic concrete and concrete interstate and intrastate highways and roads maintained by the United States government or Louisiana state government, or both, or any agencies or departments thereof.~~Repealed.

Manifest—the ~~form~~mechanism, provided by the ~~department~~administrative authority, used for identifying the quantity, ~~composition~~type, origin, ~~routing~~transportation, and destination of waste tires and/or waste tire material ~~during transportation~~ from the point of generation to the authorized destination.

Marketing—the selling and/or transferring of waste tires or waste tire material for recycling and/or ~~beneficial use or reuse~~in end-market use projects.

*Medium Truck Tire*—a tire weighing 100 pounds or more and normally used on semi-trailers, truck-tractor, semi-trailer combinations or other like vehicles used primarily to commercially transport persons or property on the roads of this state or any other vehicle regularly used on the roads of this state.

*Mobile Processor*—a standard permitted processor who has processing equipment capable of being moved from one authorized location to another.

*Modification*—any change in a site, facility, unit, process ~~or disposal method~~, or operation that deviates from ~~the~~any specification in the permit or other approval from the administrative authority. Routine or emergency maintenance that does not cause the facility to deviate from ~~the~~any specification of the permit or other approval is not considered a modification.

*Motor Vehicle*—an automobile, motorcycle that is operated either on-road or off-road, truck, trailer, semi-trailer, truck-tractor and semi-trailer combination, or any other vehicle operated ~~on the roads of in~~ this state, ~~used to transport persons or property~~, and propelled by power other than muscular power. This term does not include bicycles and mopeds.

*Motor Vehicle Dealer*—~~any person, business, or firm registered with the state of Louisiana that engages in the commercial sale of new motor vehicles.~~Any person that sells or leases new vehicles that are required to be registered in or are intended for use in the state of Louisiana.

*Mounting Services*—the removal and replacement of an unserviceable tire with a serviceable tire purchased at another location and for which the appropriate Louisiana waste tire fee has been collected.

*Off-Road Tire*—a tire weighing 100 pounds or more and that is normally used on off-road vehicles.

*Off-Road Vehicle*—a vehicle used for construction, farming, industrial uses, or mining, not normally operated on the roads of the state. This term does not include vehicles propelled solely by muscular power.

*Passenger/Light Truck/Small Farm Service Tire*—a tire weighing less than 100 pounds and normally used on automobiles, motorcycles that are operated either on-road or off-road, pickup trucks, sport utility vehicles, front steer tractors, and farm implement service vehicles.

*Permittee/Permit Holder*—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations ~~at a facility~~.

*Person*—an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

*Premises*—a unit of land ~~and/or buildings~~, or any portion thereof. ~~Property shall be considered as contiguous parcels even if separated by a utility easement or road or railroad right of way.~~

*Principal Executive Officer*—the chief executive officer of a state or federal agency, or a senior executive officer having responsibility for the overall operations of a principal geographic or functional unit of a state or federal agency (e.g., regional administrators of EPA).

*Processing*—any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, a tire is considered processed only if its volume has been reduced by more than half ~~has been reduced by cutting it in half along its circumference.~~

*Processor*—a person that ~~collects and~~ processes waste tires.

*Processor Agreement*—a written contract between a permitted processor and the administrative authority that outlines specific requirements and responsibilities and is required for payment to the processor from the Waste Tire Management Fund.

*Program Eligible Waste Tires*—those waste tires generated within Louisiana: for which a processor will be reimbursed by the Waste Tire Management Fund. These tires may include, but are not limited to: passenger/light truck/small farm service tires, medium truck tires, off-road tires, golf cart tires, lawn mower tires, and bicycle tires. These tires are only program eligible if they are:

1. originating from an authorized tire dealer upon the replacement of an unserviceable tire with a serviceable tire including tires documented from mounting services;

2. collected during an authorized government tire sweep or authorized site cleanup, except those waste tires defined as Program Ineligible Waste Tires;



3. collected by an authorized government collection center, except those waste tires defined as Program Ineligible Waste Tires;

4. collected by a permitted collection center, except those waste tires defined as Program Ineligible Waste Tires;

5. removed from a Louisiana titled vehicle at a Qualified Scrap or Salvage Yard;

6. collected at a permitted processing facility in accordance with LAC 33:VII.10525.B.2, except those waste tires defined as Program Ineligible Waste Tires; or

7. otherwise determined by the administrative authority on a case-by-case basis.

*Program Ineligible Waste Tire*—a waste tire for which a processor will not be reimbursed from the Waste Tire Management Fund. This includes, but is not limited to, tires weighing 500 pounds or more at the time of sale, solid tires, tires purchased from a tire wholesaler for use on fleet vehicles and/or used vehicles for which a fee has not been paid, out-of-state tires, marine bumper tires, purchased used tires that are not suitable for re-sale, tires accepted by retail outlets for which a fee has not been collected, and any other tire not defined as a *Program Eligible Waste Tire*.

~~*Qualified Recycler*—any entity who uses waste tire material in a beneficial manner as determined by the administrative authority.~~Repealed.

~~*Qualified Scrap or Salvage Yard*—any facility that is required to be licensed pursuant to R.S. 32:75284.~~

~~*Recall Tire*—a tire that is specified as defective by the manufacturer and returned to the dealer by the consumer so that the dealer may provide a replacement or repair. Recalls are initiated by the manufacturer or the Federal Government.~~

~~*Recapped or Retreaded Tire*—any tire that has been reconditioned from a used tire and sold for use on a motor vehicle.~~

~~*Recovered Material*—materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use, or reuse by separation, collection, or processing.~~

*Recycling*—any process by which waste tires, waste tire material, or residuals are reused or returned to beneficial use reused in an end-market use project in the form of products or as a fuel source.

*Responsible Corporate Officer*—one of the following persons employed by the corporation: president; treasurer; secretary; vice-president in charge of a principal business function; or any other person who performs similar policy or decision-making functions of the corporation; or the manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to ensure long term environmental compliance with environmental laws and regulations, and can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit applications or other authorizations as required by the regulations, and the manager has the authority to sign documents assigned or delegated in accordance with corporate procedures. The administrative authority will assume that these corporate officers have the requisite authority to sign permit applications and other authorizations, unless the corporation has notified the administrative authority to the contrary.

*Responsible Official*—the person who has the authority to sign a processor agreement, an application for a permit, and/or an application for a high volume end use facility. For corporations, this person shall be a Responsible Corporate Officer. For a partnership or sole proprietorship, this person shall be a partner or the proprietor, respectively. For a municipality, state agency, federal agency, or other public agency, this person shall be a ranking elected official or a Principal Executive Officer of a state or federal agency.

*Sale of a Motor Vehicle*—any sale and/or lease of a new motor vehicle that would be required to be registered, in or intended for use in the state of Louisiana under the name of the consumer, with the Louisiana Office of Motor Vehicles.

*Single Event Cleanup*—the authorized removal of accumulated waste tires from an unauthorized site.

*Site*—the physical location, including land area and appurtenances, upon which waste tires and/or waste tire material is located.

*Standard Permit*—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, or closure of facilities or equipment used or intended to be used to process and/or collect waste tires in accordance with the act, these regulations, and specified permit terms and conditions, ~~and the permit application.~~

*Temporary Permit*—a written authorization issued by the administrative authority for a specific amount of time to a person for the construction, installation, operation, or closure, ~~or post-closure~~ of a particular facility used or intended to be used for processing and/or collecting waste tires and/or waste tire material in accordance with the act, these regulations, and specified permit terms and conditions.

*Tire*—a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or off-road vehicle.

*Tire Dealer*—any person, business, or firm that engages in the sale of tires, including recapped or retreaded tires, for use on motor vehicles.

*Tire Wholesaler*—any wholesaler, supplier, distributor, jobber, or other entity who distributes tires to retail dealers in this state or to its own retail establishments in this state.

*Transporter*—a person who transports waste tires.

*Unauthorized Waste Tire Pile*—an accumulation pile in excess of more than 20 waste tires whose storage and/or disposal is not authorized by the administrative authority.

*Unmanifested Waste Tire*—a waste tire transported without a waste tire manifest.

*Used Tire*—a tire that can be salvaged and sold as a ~~good~~, functional motor vehicle tire consistent with definitions and standards contained in the Louisiana Department of Public Safety regulations.

*Used Tire Dealer*—any person, business, or firm that engages in the sale of used tires for use on motor vehicles.

*Waste Tire*—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect and/or has been discarded by the consumer. ~~Waste tire does not include a tire weighing over 500 pounds and/or a solid tire.~~

~~*Waste Tire Generation*—the replacement of an unserviceable tire with a serviceable tire. The sorting, collection, exchange, trade, or transportation of waste tires is not waste tire generation.~~Repealed.

~~*Waste Tire Material*—waste tires after processing, such as, but not limited to, chipped, shredded, cut, or sliced tires, crumb rubber, steel cord, cord material, oil, or carbon black.~~recovered material produced from whole waste tires which have been processed, unless abandoned or otherwise improperly disposed of in a manner that subjects the material to the solid waste regulations.

~~*Waste Tire Transfer Station*—an authorized facility where whole waste tires are stored for longer than 24 hours and at which the tires are accumulated as part of the transportation process and are transferred directly or indirectly from transportation vehicles to other vehicles and/or storage containers, for transportation without processing.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005), LR 33:89 (January 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10507. Exemptions**

A. Any persons, facilities, or other entities subject to these regulations that generates, collects, stores, transports, processes waste tires and/or waste tire material, or utilizes waste tires and/or waste tire material in an end-market use project, may petition the department administrative authority for an exemption from these waste tire regulations or any certain portions thereof, when petitions for such are deemed appropriate in accordance with LAC 33:VH.307 after consideration of the factors enumerated in Subparagraphs C.2.a and b of this Section as well as any other pertinent factors.

B. The administrative authority shall make a decision whether or not to grant the exemption requested within 60 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority. In no case shall the time period be greater than one year.

C. Each request for an exemption shall:

1. identify the specific provisions of these regulations from which a specific exemption is sought;

2. provide sufficient justification for the type of exemption sought that includes, but may not be limited to, the following demonstrations;

a. that compliance with the identified provisions would impose an unreasonable economic, technologic, safety, or other burden on the person or the public; and

b. that the proposed activity will have no significant adverse impact on the health, safety, and welfare of the public and the environment, and that it will be consistent with the applicable provisions of the Act;

3. include proof of publication of the notice as required in Paragraph D.1 of this Section, except for emergency exemptions; and

4. be considered by the administrative authority on a case-by-case basis and if approved, the administrative authority shall specify the duration of the exemption.

D. Public Notification of Exemption Requests

1. Persons requesting an exemption shall publish a notice of intent to submit a request for an exemption, except as provided in Paragraph D.2 of this Section. This notice shall be published one time as a single classified advertisement in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement in the legal-notices section of the official journal of the state shall be the only public notice required.

2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The notice shall be published one time as a single classified advertisement in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. The notice

shall describe the nature of the emergency exemption and the period of time for which the exemption was granted. Proof of publication of the notice shall be forwarded to the administrative authority within 30 days after the granting of an emergency exemption.

EB. A vehicle operated by a local governmental body that is engaged in the collection of waste tires that are located on governmental property or on road rights of way with the tires to be taken to an authorized waste tire collection center or permitted processing facility may be granted an exemption to the transporter authorization application fee and the transporter maintenance and monitoring fee specified in LAC 33:VII.10535. A maximum of one vehicle is allowed for each governmental body under this exemption. In order to be recognized as exempt under this Subsection, the local governmental body shall submit a transporter notification form to the administrative authority indicating the governmental body's desire to take advantage of this exemption.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), LR 27:2227 (December 2001), amended by the Office of the Secretary, Legal Division, LR:41:\*\*.

### **§10509. Prohibitions and Mandatory Provisions**

A. No person ~~may~~shall knowingly and/or intentionally dispose unprocessed waste tires in a landfill within the boundaries of the state of Louisiana.

B. No person shall knowingly dispose, discard, burn, abandon, or otherwise release waste tires or waste tire material to the environment within the boundaries of the state of Louisiana, unless given prior written approval from the administrative authority.

~~B.C. Upon promulgation of these regulations,~~ Except for waste tires stored at the facilities listed in Subsections C.2 and 3 of this Section, all waste tires shall be stored in accordance with LAC 33:VII.10519.H. #No person mayshall store more than 20 whole waste tires unless ~~they are~~ authorized by the administrative authority and the tires are:

1. collected and stored at a registered tire dealer, registered used tire dealer, or other registered ~~other~~ generator of waste tires;

2. collected and stored at an authorized waste tire transfer station, authorized waste tire collection center, or permitted waste tire processing facility;

3. collected and stored at an authorized ~~waste tire recycling facility~~end-market use project site; or

4. collected and stored at a location authorized in writing by the administrative authority.

DC. No person ~~may~~shall transport more than 20 waste tires without first obtaining a transporter authorization certificate.

ED. No ~~processor~~person ~~may~~ shall receive payment from the Waste Tire Management Fund ~~for processing tires~~ without a standard processing permit issued by the ~~department~~administrative authority, an effective Processor's Agreement, and an approved end-market use project in which whole waste tires and/or waste tire material are utilized.

FE. No ~~regulated~~authorized generator, collector, or processor ~~may~~shall store any waste tires for longer than 365 days, unless given prior written approval by the administrative authority.

GF. All persons subject to these regulations are subject to inspection, audit, and/or enforcement action by the administrative authority, in accordance with the Act and/or these regulations~~LAC 33:VII.10537.~~

HG. All persons subject to these regulations shall maintain all records required to demonstrate compliance with these regulations for a minimum of ~~three~~five years. The ~~department~~administrative authority may extend the record retention period in the event of an investigation. The records shall be maintained and shall be made available for audit and/or inspection during regular business hours at the regulated facility's ~~or site~~ place of business unless an alternate storage location is approved in writing by the administrative authority. A copy of the approval shall be maintained at the place of business subject to the audit and/or inspection. All records stored at an approved alternate location shall be produced~~provided~~ within 48 hours ~~upon~~ of the request for inspection by the ~~department~~administrative authority.

IH. All persons who sell tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fees due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales

and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

~~J. All~~ Each tire wholesalers shall notify the administrative authority on a form available on the department's website and maintain a records of all tire sales made to dealers in this state Louisiana. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each the tire purchaser, the date of the purchase, and the number of tires purchased, and the type and size of each tiresold to that purchased. These records shall be maintained by tire wholesalers for a minimum of five years and shall be made available for audit and/or inspection at the wholesaler's place of business during regular business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

## **§10511. Permit System**

### **A. Permit Requirements**

1. Scope. Persons, other than generators and government agencies, operating ~~collection~~ facilities that collect waste tires ~~and/or waste tire material~~ and/or process waste tires or waste tire material ~~for payment from the Waste Tire Management Fund~~ must secure a permit and are subject to the requirements detailed in these regulations.

#### **2. Types of Permits**

a. Temporary Permits. A temporary permit allows continued operation of an existing ~~collector~~ collection center and/or waste tire processing ~~or~~ facility, in accordance with an approved interim operational plan, but does not allow the expansion or modification of the facility without approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations.

i. Order to Upgrade—to allow operations to continue at an existing facility while a standard permit application is being processed; or



ii. Order to Close—to allow operations to continue at an existing facility while a closure plan is being processed or while a facility is being closed in accordance with a closure plan.

b. Standard Permit. The permit issued by the administrative authority to applicants ~~of facilities~~ that have successfully completed the standard permit application process.

### 3. Permit Provisions

a. Permit Duration. A standard permit issued to a processing and/or collection facility under Paragraphs A.1 and 2 of this Section shall be valid for five years from the date of issuance. Permit renewal applications shall be submitted no less than 365 calendar days before the expiration date of the standard permit, unless written permission for later filing is granted by the administrative authority. If the renewal application is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the renewal application on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.

b. Transfer of Permit. Permits issued pursuant to these regulations are assigned only to the permittee and cannot be transferred, sublet, leased, or assigned, without prior written approval of the administrative authority.

B. Modifications. ~~Modification requests shall be tendered in accordance with LAC 33:VH.517.~~ No modifications shall be made to the permit or facility without prior written approval from the administrative authority.

C. Suspension, Modification, or Revocation of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend, modify, or revoke a permit in whole or in part in accordance with ~~procedures outlined in LAC 33:VH~~ the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10513. Permit Process for Existing Facilities Classified for Upgrade and for Proposed Facilities**

A. Applicant Public Notice

1. ~~No sooner than 45 days prior to the submittal of a standard permit application to the Office of Environmental Services,~~ The prospective applicant shall publish a notice of intent to submit an application for a waste tire standard permit. This notice shall be published ~~one time,~~ 1 to 45 days prior to submission of the application to the administrative authority. This notice shall be published one time as a single classified advertisement ~~measuring 3 columns by 5 inches,~~ in the legal or public notices section of the official journal of this state and in a major local newspaper of general circulation. If the affected area is in the same parish or area as the official journal of the state ~~Baton Rouge,~~ a single classified advertisement ~~measuring 3 columns by 5 inches,~~ in the legal or public notices section of the official journal of the state will be the only public notice required.

2. The public notice shall be published in accordance with the form provided ~~by the administrative authority~~ in LAC 33:VII.11101. Public Notice Example-Appendix A.

3. Proof of publication of the notice shall be included in ~~the~~ all waste tire standard permit applications for existing and proposed facilities submitted to the administrative authority.

B. Submittal of Permit Applications

1. Any applicant for a standard permit for an existing or proposed facility shall complete a waste tire standard permit application, and submit ~~four~~ six copies to the ~~Office of Environmental Services~~ administrative authority. Each individual copy of the application shall be in standard three-ring-bound documents measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. Each waste tire standard permit application shall be accompanied by a remittance in the full amount of the appropriate waste tire standard permit application fee. No application shall be ~~accepted or processed~~ prior to payment of the full amount as specified in LAC 33:VII.10535.

C. Requirements for Public Notification of Permit Application

1. As provided in R.S. 30:2022 and 2418, upon receipt of a permit application the ~~department~~administrative authority shall provide written notice on the subject matter to the parish governing authority and each municipality affected by the application.

2. The ~~department~~administrative authority shall hold a public hearing within 60 days of submission of an application.

3. The applicant shall ~~cause~~publish the hearing notice ~~of the hearing to be published~~ in the official journal of the parish or municipality on two separate days preceding the hearing. The last day of publication of such notice shall be at least 10 days prior to the hearing. The applicant shall provide the ~~department~~administrative authority with proof of publication.

4. The applicant shall post a notice of the hearing, in prominent view of the public, for two weeks prior to the hearing, in the courthouse, government center, and all the libraries of the parish.

5. A public comment period of at least 30 days shall be allowed following the public hearing.

#### D. Permit Application Review and Evaluation

1. The applicant shall make available to the ~~department~~administrative authority the assistance of ~~registered~~professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

2. The applicant shall furnish all other technical information the ~~department~~administrative authority may require to evaluate the waste tire standard permit application, monitor the performance of the facility, and ensure that the purposes of this program are met.

#### E. Waste Tire Standard Permit Application Review

1. ~~An application deemed unacceptable for technical review shall be rejected.~~ Applications shall be subject to the completeness and technical review requirements of LAC 33:I.1505.A and B.

2. ~~Applications shall be subject to the technical review requirements of LAC 33:I.1505.B.~~

~~23. Applications~~Closure plans that are determined to be unacceptable for a technical review shall be rejected. The applicant shall be required to resubmit the ~~closure plan~~application to the administrative authority.

~~34. An applicant whose closure plan application is acceptable for technical review, but lacks the necessary information, shall be informed of such in a closure plan deficiency letter. These deficiencies shall be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter. Closure plans that have been deemed technically complete shall be approved.~~

#### F. Standard Permit Applications Deemed Technically Complete

1. An application that has been deemed technically complete will be accepted for public review. When the permit application is accepted for public review, the administrative authority shall request an additional six copies, or more if necessary. The copies shall be distributed for public review as follows:

- a. one copy to the local parish governing authority;
- b. one copy to the municipal governing authority;
- c. one copy to the main branch of the~~each~~ parish public library;
- d. one copy to the ~~a~~-department's respective regional office; and
- e. two copies to remain with the ~~department~~administrative authority.

2. Each copy of the permit application shall be provided as a standard three-ring-bound document (8 1/2 by 11 inches). The application shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing for all appendices, figures, etc. A permit application that presents revisions made during the review process as a separate supplement to the application shall not be accepted.

3. After the six copies are submitted to the ~~department~~administrative authority, ~~a~~-notices shall be placed in the ~~office~~department's bulletin (if one is available), the official journal of the state, and a major local newspaper of general circulation. The ~~department~~administrative authority shall publish a notice of acceptance for review one time as a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a

major local newspaper of general circulation. If the affected area is in the same parish or area as the official journal of the stateBaton Rouge, a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the official journal of the state shall be the only public notice required. The notice shall solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper shall be reviewed by the ~~department~~administrative authority. The notice shall be published in accordance with the sample public notice provided by the ~~department~~administrative authority.

4. A public hearing ~~shall~~may be held for any proposed standard permit application when the administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.

5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice required in Paragraph F.3 of this Section, request that a public hearing be held. If the administrative authority determines that the hearing is warranted, a public hearing shall be held. If the administrative authority determines not to hold the requested hearing, the ~~department~~administrative authority shall send the person requesting the hearing written notification of the determination. The request for a hearing ~~must~~shall be in writing and shall~~must~~ contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, a notice shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is in the same parish or area as the official journal of the stateBaton Rouge, a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the official journal of the state shall be the only public notice required. Those persons on the department's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. The ~~department~~administrative authority shall receive comments for 30 days after the date of a public hearing.

G. Issuance or Denial of a Permit

1. The administrative authority shall issue a standard permit or shall issue a standard permit application denial, including reasons for the denial.

2. A temporary permit may be issued to allow closure activities to be accomplished at a facility which has been issued a standard permit application denial.

H. Public Notice of Permit Issuance. No later than ~~40~~20 days following the issuance of a standard permit, the ~~administrative authority permit holder~~ shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is in the same parish or area as the official journal of the state~~Baton Rouge~~, a single classified advertisement ~~measuring 3 columns by 5 inches~~ in the official journal of the state will be the only public notice required. ~~The permit holder shall provide proof of publication of the notice(s) to the department.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2775 (December 2000), LR 27:829 (June 2001), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2502 (October 2005), LR 33:2157 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10514. Submittal Requirements for High Volume End Use Facility Applications**

A. Facility applicants who utilize whole waste tires and/or waste tire material for projects that require extended storage shall apply to the administrative authority for authorization as a High Volume End Use Facility. Submission of the following information shall be provided on the application, which is available on the department's website:

1. name of the business;

2. mailing address including city, state, zip code, and parish;

3. street address including city, state, zip code, and parish;
4. business telephone number;
5. federal identification number and state tax identification number, if applicable;
6. site master plan including where applicable, property lines, buildings, facilities, excavations, drainage, roads, and other appurtenances;
7. name, address, and phone number of a contact person in case of an emergency, if different from the owner;
8. signature of the responsible official certifying under penalty of law, that all information provided in the application is true, accurate, and complete; and
9. any additional information as requested by the administrative authority.

B. The applicant, other than a permitted processor, shall address the standards in LAC 33:VII.10531 and furnish all other technical information required by the administrative authority to evaluate and monitor the end-market use project, and ensure that the goals of the waste tire program are met.

C. Permitted processors shall address the standards in LAC 33:VII.10531.B.

D. An applicant that submits an application that is acceptable for review, but lacks the necessary information, shall be informed of the deficiency(ies) in writing. The applicant shall correct the deficiency(ies) by submitting supplementary information in writing within 30 calendar days after receipt of the deficiency letter.

E. Upon completing review of the application, the administrative authority shall approve or deny the application in writing.

F. Authorization Duration. A high volume end use facility authorization issued under this Section shall be valid for five years from the date of issuance. High volume end use facilities with an effective authorization shall submit to the administrative authority a new authorization application, following the process as contained in this Section, at least 180 calendar days before the expiration date of the authorization, unless written permission for later submission is granted by the administrative authority. If the renewal application is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the renewal application on or before the expiration date of the authorization, the existing authorization shall remain in effect until the administrative authority issues a final decision on the renewal authorization.

G. Applicants who utilize whole waste tires and/or waste tire material for projects that do

not require extended storage are not subject to the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

**§10515. Submittal Requirements for End-Market Use Project Applications**

A. A permitted processor requesting approval of an End-Market Use Project shall apply to the administrative authority for approval of each project by completing the End-Market Use Project application available on the department's website. Each application contains the following:

1. name of the permitted processor;
2. name of the end-market user utilizing waste tires and/or waste tire material in the project;
3. mailing address, including city, state, zip code, and parish of the end-market user utilizing waste tires and/or waste tire material in the project;
4. physical address, including city, state, zip code, and parish of the end-market use project site;
5. telephone number of end-market user utilizing waste tires and/or waste tire material in the project;
6. site master plan, including, property lines, buildings, facilities, excavations, drainage, roads, and other elements of the site, if applicable;
7. detailed description of the project including drawings and/or pictures;
8. estimate and calculations of waste tires and/or waste tire material needed to complete the project;
9. estimated dates to start and end the project specified as month, day, and year;
10. description of the material to be replaced and the engineering properties of waste tires and/or waste tire material that provide equivalent or improved performance compared to conventional technologies; and
11. name, address, and phone number of a contact person responsible for the daily operations at the project, in case of an emergency;
12. date and signature of the processor and the end-market user utilizing waste tires and/or waste tire material in the project;
13. designation of the project as a one-time project or as a project that requires extended



storage; and

14. any additional information as requested by the administrative authority.

B. Land Reclamation Pilot Study

1. The administrative authority will conduct a pilot study to determine the effectiveness of land reclamation using waste tire material.

a. This study will expire on December 31, 2020.

b. At the expiration of the pilot study, the administrative authority will issue a summary report on the results and make a determination on the future allowance of land reclamation projects.

2. In addition to the requirements of this Section, applications for land reclamation projects shall include a plan to confirm the thickness of the cover soil upon completion of the project.

a. This plan shall specify the method used to determine the thickness of the cover soil using either:

i. surveys of the base and top elevations of the cover at a maximum of 100 foot spacing; or

ii. borings taken through the cover at a minimum density of four locations per acre.

b. A report on the implementation of the plan shall be submitted to the administrative authority within 30 days of the approved project completion.

3. Land reclamation will be approved on a case-by-case basis and shall meet the following standards.

a. The applicant shall certify that the proposed location was excavated for a purpose other than the burial of waste tire material.

b. Waste tire material shall be mixed with inert fill material. The waste tire material shall comprise no more than 50 percent of the total volume required to restore the land to its approximate natural grade.

c. Processors may use up to 50 percent of the total annual volume of waste tire material generated at each facility, as determined on a three-year rolling average, for land reclamation projects;

d. Completed projects shall be covered with a minimum of 18 inches of clean soil

material;

e. Within 30 days of completing an approved land reclamation project, the end-market user shall update the conveyance record to reflect the use of waste tire material on the property and submit verifiable documentation that this was completed to the administrative authority.

f. Whole tires may not be used in land reclamation projects.

C. Prior to any deviations from the approved project, modifications must be submitted to and approved by the administrative authority in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

**§105156. Annual Agreements with Waste Tire Processors**

Standard permitted waste tire processors may apply to the administrative authority ~~Office of Management and Finance~~ for ~~subsidized~~ funding to assist them with waste tire processing and marketing costs. To be eligible for payment, the processor shall enter into an agreement with the administrative authority. The agreement shall be renewed annually and is subject to review at any time by the administrative authority. After review, the administrative authority may, for cause, suspend, revoke, and/or modify the agreement by giving the processor a 60 day written notice of its intent to take the intended action, and allowing the processor an opportunity to demonstrate why the intended action should not be taken. ~~This application form is available from the Office of Management and Finance.~~

A. Maximum Payments to Processors

~~1. Standard permitted processors shall be eligible to receive a minimum of \$1.50 per tire equivalent unit of 20 pounds of waste tire material that is actually recycled or that reaches certifiable end-market uses provided.~~

~~a. Standard permitted processors shall provide documentation to prove that they are contracted with a qualified recycler. Proof shall be provided in the form of a letter or other document from the qualified recycler.~~

~~b. Standard permitted processors shall provide a certificate of end use demonstrating that the waste tire material has been recycled.~~

~~e. Standard permitted processors shall provide a Department of Agriculture certified scale weight ticket including gross, tare and net weights.~~

12. The agreement shall contain a provision regarding the amount and requirements for payment. Provided the terms and conditions of the agreement are met, Standard permitted processors shall be eligible to receive paid a minimum of seven and a half cents per \$1.50 per 20 pounds of whole waste tires and/or waste tire material that is marketed-recycled and/or that reaches shipped to an approved end-market use project-qualified recycler in accordance with LAC 33:VII.10535.D.F.4.

2a. To be eligible for payment from the Waste Tire Management Fund, Standard permitted processors must shall apply and obtain approval from the administrative authority department in order to market and ship whole waste tires and/or waste tire material. At this time they The processor shall submit request(s) on a form available from the administrative authority and shall include all of the requirements of LAC 33:VII.10525.D. provide a detailed description of the operational plan to market and ship whole waste tires to a qualified recycler, including:

~~i. shipping destination;~~

~~ii. place of origin of the tires;~~

~~iii. name of the qualified recycler;~~

~~iv. method of recycling authorized or allowed under applicable state and federal laws;~~

~~v. detailed description of product material or fuel source; and~~

~~vi. a copy of an agreement with the qualified recycler who will accept whole waste tires for recycling.~~

~~b. The standard permitted processor shall ensure the qualified recycler accepts whole waste tires or baled waste tires from the processor in accordance with its agreement and Subparagraph A.2.a of this Section.~~

~~B. The standard permitted processor agreement shall provide, with the monthly report required by LAC 33:VII.10535.D.6, a certificate of end use by the qualified recycler, demonstrating that it has recycled the waste tires or waste tire material. contain provisions~~

regarding the submission of reports by the processor to the administrative authority, including but not limited to:

1. Waste Tire Facility Reports and Application for Payment;
2. Generator Manifests in accordance with LAC 33:VII.10534.B;
3. Processor Manifests in accordance with LAC 33:VII.10534.C;
4. Monthly Collection Center Reports;
5. Unmanifested Waste Tire Logs;
6. Louisiana Department of Agriculture and Forestry certified scale-weight tickets including gross, tare, and net weights; and
7. Any other documentation requested by the administrative authority.

C. ~~The agreement shall contain provisions requiring standard permitted processors shall to~~ comply with LAC 33:VII.10534~~3~~.

D. ~~The agreement shall contain provisions requiring the standard permitted processor shall to~~ ~~provide~~ submit an annual report on all approved end-market use projects to the administrative authority. This report is due no later than January 31 of each year for the previous year's activities, and shall identify approved projects, the amount of all waste tires and/or waste tire material used in each approved project within the last year, and the date of completion of each project, if applicable ~~all documentation to demonstrate that all the requirements of this Section have been met.~~

E. ~~Once the application is approved, the department shall issue an agreement in accordance with Subsection A of this Section.~~

F. ~~General Conditions of Agreements. It shall be the responsibility of processors to make payments to authorized waste tire transporters who provide them with waste tires. This includes making payments to local governmental bodies acting as transporters.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2502 (October 2005), LR 33:2158 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10517. Standard Waste Tire Processor Permit Applications**

~~A. Each applicant requesting a standard permit for a waste tire processing facility in accordance with these regulations shall complete the permit application, including, but not limited to, the information included in this Section and submit it to the Office of Environmental Services administrative authority. In addition, the standards in LAC 33:VII.10525 shall be incorporated into the appropriate application requirements.~~

~~A. Processing Facility.~~ The permit application shall include:

- ~~1. the name, address, and phone number of the applicant;~~
- ~~2. the name and phone number of the facility contact, if different from the applicant owner/contact;~~
- ~~3. the name business address, and phone number of a contact person in case of an emergency, if different from the individual specified in Paragraph A.2 of this Section including city, state, parish, and zip code;~~
- ~~4. the business mailing address, including city, state, parish, and zip code;~~
- ~~5. the location and address of the processing/collection facility, including section, township, and range;~~
- ~~6. the business telephone number;~~
- ~~7. the federal identification number and state tax identification number;~~
- ~~7. the name, address, and phone number of a contact person in case of an emergency, other than the individual specified in Paragraph A.2 of this Section;~~
- ~~8. a site master plan, including property lines, buildings, facilities, excavations, drainage, roads, and other components of the processor site employed certification in writing that all the information provided in the application and in accordance with the application is true and correct. Providing false or incorrect information may result in criminal or civil enforcement. The applicant shall also provide the site master plan, including property lines, building, facilities, excavations, drainage, roads, and other elements of the process system employed, certified by a registered engineer licensed in the state of Louisiana;~~
- ~~9. a copy of written notification to the appropriate local governing authority, stating that the site is to be used as a waste tire processing and/or collection facility;~~

10. written documentation from the appropriate local governing authority, stating that the facility is in compliance with local zoning and permitting requirements;

11. written documentation from the property owner granting approval for use of property as a waste tire processing ~~and/or collection~~ facility, if property owner is other than applicant;

12. proof of publication of Notice of Intent to submit an application for a standard waste tire processing facility permit;

13. a letter of compliance and certification of premises and buildings from the state fire marshal;

14. an operational plan addressing the following:

- a. facility access and security;
- b. waste tire acceptance plan; to count, record, and monitor incoming quantities of waste tires;
- c. method to control water run-on/runoff;
- d. days and hours of operation;
- e. waste tire storage method in detail:
  - i. dimensions of waste tire piles;
  - ii. maximum number of waste tires and volume of waste tire material to be stored at any one time. ~~The total amount of waste tires and volume of waste tire material shall not exceed 60 times the daily capacity of the processing unit;~~
  - iii. width of fire lanes;
  - iv. method of storage to exclude standing water, ~~including inside storage~~;
  - v. type of access roads ~~and buffer zones~~; and
  - vi. emergency control plans in case of fire or accident, etc.;
- f. a detailed description of the waste tire processing method to be used, including daily capacity and technical support to determine daily capacity, such as the processing capacity of the limiting piece of processing equipment;
- g. site grounds maintenance and disease vector control to minimize vector-breeding areas and animal attraction;

- i. controlling fly, mosquito, and other insect emergence and entrance;
    - ii. controlling rodent burrowing for food or harborage; and
    - iii. controlling bird and animal attraction;
  - h. buffer zones; and
  - ~~i. method to store waste tire material in detail;~~
  - ~~j. end market of the waste tire material; and~~
  - ik. method to control and/or treat any process water;
15. evidence of commercial general liability insurance in the amount of no less than \$1 million applicable to on-site and off-site liability provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;
16. site closure plan to assure clean closure. The closure plan must be submitted as a separate section with each application to. ~~The closure plan for all facilities must~~ ensure clean closure, and include the following:
- a. the method to be used and steps necessary for closing the facility;
  - b. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive;
  - ~~c. an estimate of~~ the maximum inventory of whole waste tires and waste tire material on-site at any one time over the active life of the facility;
  - d. a schedule for completing all activities necessary for closure; and
  - e. the sequence of final closure as applicable;
17. site closure financial assurance fund;
18. plans, specifications, and operations represented and described in the permit application or permit modifications ~~for all facilities must~~ shall be prepared under the supervision of and certified by a ~~registered~~ professional engineer licensed in the state of Louisiana;
19. ~~certification. The applicant must provide and a signed~~ legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;

20. ~~signature and date and signature of responsible official; and~~
21. name of authorized agent for service of process, if applicable; and
22. required information regarding facility site assessments as follows:
  - a. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;
  - b. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;
  - c. a discussion and description of possible alternative projects that would offer more protection to the environment without unduly curtailing non-environmental benefits;
  - d. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing non-environmental benefits; and
  - e. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing non-environmental benefits.

B. ~~Mobile Processors~~~~Waste Tire Collection Center.~~ ~~Waste tire processors or other person may operate a waste tire collection center in accordance with LAC 33:VII.10527. All information required in Subsection A of this Section must be provided in a permit application for each waste tire collection center.~~

1. Submission of the following information shall be provided on the application, which is available on the department's website.
  - a. Waste tire processor information which includes:
    - i. processor's name;
    - ii. processor's LDEQ Facility Number;
    - iii. processor's agency interest (AI) number;
    - iv. processor's contact name; and
    - v. processor's contact telephone number.
  - b. Processing site location(s) information for each site, where mobile processing will be conducted, during the authorization period denoted on the certificate shall include:



i. type of location(s) listed on the Waste Tire Mobile Processor Application Form;

ii. processing location address/physical description, city, and parish;

iii. location LDEQ Facility Number;

iv. location agency interest (AI) number;

v. location contact's name and telephone number; and

vi. Federal and State Tax Identification numbers for the person where the mobile processing equipment will be operating, if applicable.

c. payment information shall be as specified in LAC 33:VII.10535.

d. A description of each vehicle, truck, trailer, and/or processing unit which will be used by the applicant for the processing of waste tires shall include the make, model, year, license number, and name of registered owner if different from that of the processor.

e. Evidence of commercial general liability insurance shall be no less than \$1 million applicable to on-site and off-site liability provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana; and,

f. Certification by the applicant that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information.

~~C. Governmental Agencies. Government agencies intending to operate collection centers and/or waste tire processing equipment for the purposes of volume reduction shall notify the administrative authority on a form available on the department's website prior to disposal and shall not be required to obtain a standard waste tire processing permit, provided that the requirements of LAC 33:VII.10525.J are met.~~ ~~will not be required to possess permits provided that:~~

~~1. the governmental agency collection centers shall be located on property owned or otherwise controlled by the governmental agency, unless otherwise authorized by the department;~~

~~2. governmental agency collection centers shall be attended during operational hours and have controlled ingress and egress during non-operational hours;~~

~~3. governmental agency collection center personnel shall witness all loading and unloading of waste tires;~~

~~4. governmental agency collection centers may accept waste tires from roadside pickup, from rights of way, individual residents, and unauthorized waste tire piles. For the tires from unauthorized waste tire piles to be eligible for the \$1.50 per 20 pounds marketing payment to permitted processors as indicated in LAC 33:VII.10535, the governmental agency must notify the Office of Management and Finance, in writing, of the agency's intent prior to removing the tires from said site;~~

~~5. governmental agencies shall develop fire control plans and disease vector control plans for the collection center and/or tire processing equipment; and~~

~~6. governmental agencies shall satisfy the requirements of LAC 33:VII.10509 and 10533.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:39 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2776 (December 2000), LR 27:830 (June 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2502 (October 2005), LR 33:2158 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10518. Standard Waste Tire Collection Center Permit Application**

A. Each applicant requesting a standard permit in accordance with these regulations shall complete the permit application and submit it to the administrative authority. In addition, the standards in LAC 33:VII.10527 shall be incorporated into the appropriate items below.

Submission of the following information shall be provided on the application, which is available on the department's website:

1. the name and phone number of the applicant;
2. the name and phone number of the facility contact, if different from the applicant;
3. the name, address, and phone number of a contact person in case of an emergency, if different from the individual specified in Paragraph A.2 of this Section;
4. the business mailing address, including city, state, parish, and zip code;
5. the location of the facility;
6. the business telephone number;

7. the federal identification number and state tax identification number;
8. a site master plan, including property lines, building, facilities, excavations, drainage, roads, and other appurtenances;
9. a copy of written notification to the appropriate local governing authority, stating that the site is to be used as a collection center;
10. written documentation from the appropriate local governing authority, stating that the facility is in compliance with local zoning and permitting requirements;
11. written documentation from the property owner granting approval for use of the property as a collection center, if property owner is other than applicant;
12. proof of publication of Notice of Intent to submit an application for a standard waste tire collection center permit;
13. a letter of compliance and certification of premises and buildings from the state fire marshal;
14. an operational plan addressing the following:
  - a. facility access and security;
  - b. waste tire acceptance plan to count, record, and monitor incoming quantities of waste tires;
  - c. method to control water run-on/runoff;
  - d. days and hours of operation;
  - e. waste tire storage method:
    - i. dimensions of waste tire piles;
    - ii. maximum number of whole waste tires stored at any one time;
    - iii. width of fire lanes;
    - iv. method of storage to exclude standing water;
    - v. type of access roads; and
    - vi. emergency control plans in case of fire, accident, etc.;

f. site grounds maintenance and disease vector control to minimize vector-breeding areas and animal attraction;

i. controlling fly, mosquito, and other insect emergence and entrance;

ii. controlling rodent burrowing for food or harborage; and

iii. controlling bird and animal attraction;

g. buffer zones; and

h. method to control and/or treat any process water;

15. evidence of commercial general liability insurance in the amount no less than \$1 million applicable to on-site and off-site liability provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;

16. site closure plan to assure clean closure. The closure plan shall be submitted as a separate section with each application, ensure clean closure, and include the following:

a. the method to be used and steps necessary for closing the facility;

b. the estimated cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive;

c. maximum inventory of whole waste tires on-site at any one time over the active life of the facility;

d. a schedule for completing all activities necessary for closure; and

e. the sequence of final closure as applicable;

17. site closure financial assurance fund;

18. plans, specifications, and operations represented and described in the permit application or permit modifications shall be prepared under the supervision of and certified by a professional engineer licensed in the state of Louisiana;

19. a signed legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;

20. date and signature of the responsible official;

21. name of authorized agent for service of process, if applicable; and

22. required information regarding facility site assessments as follows:

a. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

b. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

c. a discussion and description of possible alternative projects that would offer more protection to the environment without unduly curtailing non-environmental benefits;

d. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing non-environmental benefits; and

e. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing non-environmental benefits.

B. Government agencies intending to operate a waste tire collection center shall notify the administrative authority on a form available on the department's website prior to operating the waste tire collection center. Government agencies operating waste tire collection centers shall not be required to obtain a standard waste tire collection center permit provided they meet the requirements of LAC 33:VII.10527.H.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

**§10519. Standards and Responsibilities of ~~Generators of Waste Tires~~ Generators and Sellers of Tires**

A. Within 30 days of commencement of business operations, or when requested by the administrative authority, generators of waste tires that store more than 20 whole waste tires and/or persons who sell tires shall notify the administrative authority~~Office of Environmental Services~~ of their existence and obtain a generator identification number. The identification number shall be obtained by the generator prior to initiating a waste tire manifest. Notification shall be on a form available on the department's website~~provided by the Office of Environmental Services.~~

B. Tire dealers must accept from the purchaser, at the time of purchase, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire. Tire dealers may accept additional waste tires from the customer; however, the additional tires are considered Program Ineligible Waste Tires and shall be documented on the waste tire manifest as Ineligible Waste Tires.

C. ~~Each tire dealer, other than qualified scrap or salvage yard tire dealers selling tires salvaged from a Louisiana-titled vehicle,~~ doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each passenger/light truck tire, \$5 waste tire fee upon the sale of each medium truck tire, and \$10 waste tire fee upon the sale of each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. These fees shall also be collected upon replacement of all recall and adjustment tires. These fees shall be collected whether or not the purchaser retains the waste tires. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires. ~~Tire dealer includes any dealer selling tires in Louisiana, other than qualified scrap or salvage yard tire dealers selling tires salvaged from a Louisiana-titled vehicle. Qualified scrap or salvage yard tire dealers are only exempt on tires salvaged from Louisiana-titled vehicles through June 30, 2008. Any new or used tires sold by qualified scrap or salvage yard tire dealers that are not salvaged from Louisiana-titled vehicles shall have the appropriate fees collected upon the sale.~~

D. Each dealer of passenger/light truck tires, medium truck tires, or off-road tires shall:

1. remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the administrative authority department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance;

2. Each such dealer shall submit with the waste tire fees, also submit a the Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance) to the Office of Management and Finance on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected;

~~3. Each tire dealer required to make a report and remit the fee imposed by this Section shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of tires sold, together with tire sales invoices, purchase invoices, inventory records, and copies of each Monthly Waste Tire Fee Report for a period of no less than three years; and~~

~~4. These records shall be maintained~~ the required records in accordance with LAC 33:VII.10509.H, by all parties for a minimum of three years and shall be made available for audit and/or inspection at the place of business during regular business hours.

E. In any case where a tire dealer has failed to report and remit the waste tire fee to the administrative authority, and the dealer's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been submitted by the tire dealer, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the tire dealer.

~~EF. Tire dealers must provide notification~~ shall prominently display to the public sector ~~via signs the notification provided made available by the administrative authority~~ Office of Management and Finance indicating that:

1. "It is unlawful for any person to dispose, discard, burn, or otherwise release waste tires to the environment in a manner in contravention to the Louisiana Solid Waste Regulations. A fine of up to ~~\$25,000~~ \$32,500 per day per violation may be imposed on any company or individual who violates these rules and regulations."

2. "All Louisiana tire dealers, ~~other than qualified scrap or salvage yard tire dealers selling tires salvaged from a Louisiana titled vehicle,~~ are required to collect a waste tire cleanup and recycling fee from the consumer at the time of the retail sale of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, ~~and~~ \$10 for each off-road tire, and \$1.25 for recapped or retreaded tires upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. ~~No fee shall be collected on tires weighing more than 500 pounds or solid tires.~~ This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to

retain the waste tire. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires."

~~3. "Qualified scrap or salvage yard tire dealers are only exempt on tires salvaged from Louisiana titled vehicles through June 30, 2008. Any new or used tires sold by qualified scrap or salvage yard tire dealers that are not salvaged from Louisiana titled vehicles shall have the appropriate fees collected upon the sale."~~

~~FG.~~ The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice and identified as the "LDEQ waste tire fee." The LDEQ waste tire fee shall not include any additional fees. No tax of any kind shall be applied to this fee.

~~GH.~~ Generators of waste tires, required to register in accordance with LAC 33:VII.10519.A, shall comply with the manifest requirements of LAC 33:VII.105334.

~~HI.~~ For all waste tires ~~and waste tire material~~ collected and/or stored, generators ~~must~~shall provide:

1. a cover adequate to exclude water from the waste tires;
2. vector and vermin control; and
3. means to prevent or control standing water in the ~~containment~~storage area.

~~IJ.~~ Generators of waste tires, required to register in accordance with Subsection.A of this Section may store waste tires up to 120 days after receipt or generation; ~~HI~~However, a registered generator of waste tires may store waste tires a maximum of 365 days, provided:

1. the storage is solely for the purpose of accumulating such quantities as are necessary ~~to~~for cost effective transportation and ~~facilitate proper processing; and~~

2. documentation supporting the storage period and the quantity generated~~required for proper processing~~ are is made available at the generator's facility for ~~department~~audit and/or inspection; ~~and~~

~~JK.~~ No more than 150 tires shall be stored at the generator's place of business at one time, unless stored indoors or in a transportable collection container.

~~J.~~ All waste tires and waste tire material must be collected and/or stored on property contiguous to the tire dealership or other waste tire generator facility.



~~KL.~~ No ~~tire dealer~~generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the ~~tire dealer~~generator generates 50 or less waste tires per month from the sale of 50 tires. In this case, the ~~tire dealer~~generator may transport up to 20 ~~his~~ waste tires to an ~~authorized collection center~~ or permitted processing facility ~~provided LAC 33:VII.10523.C is satisfied.~~

~~LM.~~ A generator or tire dealer who ceases operation~~the sale of tires~~ at the registered location shall notify the administrative authority ~~Office of Management and Finance~~ in writing within 10 days of the date of the closure or relocation of the business. This written notice shall include information regarding the location and accessibility of the ~~tire sale and monthly report~~ records required by Subsections D, O, and/or P of this Section, as applicable.

~~MN.~~ ~~Generators of W~~ waste tires shall be segregated ~~the waste tires~~ from any usable tires offered for sale.

~~N.~~ ~~Governmental agencies are not required to comply with this Section, except Subsections A, G, I, and J of this Section.~~

O. All tire wholesalers shall ~~keep~~maintain a records of all tire sales made in Louisiana. These records shall contain the name and address of the purchaser, the date of the purchase, the number of tires purchased, and the type and size of each tire purchased. These records shall be maintained by ~~all parties~~ tire wholesalers for a minimum of ~~three~~five years and shall be made available for audit and/or inspection at their place of business during regular business hours.

P. All generators of waste tires, required to register in accordance with Subsection A of the Section, and not required to collect fees~~(e.g., new tire dealers, used tire dealers, qualified scrap or salvage yards, and recappers)~~, shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than five ~~three~~ years.

Q. In addition to the applicable requirements of this Section, ~~q~~Qualified scrap or salvage yards ~~tire dealers~~ shall make available to the administrative authority the register of business transactions as required by R.S. 32:75784(A), and also maintain a record of the number of tires recovered from Louisiana-titled vehicles, which tires are resold. These records shall be maintained by ~~all parties~~ for a minimum of ~~three~~five years and shall be made available for audit and/or inspection at their place of business during regular business hours. ~~Qualified scrap or salvage yard tire dealers are only exempt on tires salvaged from Louisiana titled vehicles~~

~~through June 30, 2008. Any new or used tires sold by qualified scrap or salvage yard tire dealers that are not salvaged from Louisiana-titled vehicles shall have the appropriate fees collected upon the sale.~~

R. All persons required to register in accordance with Subsection A of this Section, shall notify the administrative authority when any information provided on the notification form changes. Only changes in mailing address, telephone number, and contact name may be made by submitting the corrections on the Monthly Waste Tire Fee Report Form WT-02. All other corrections shall be submitted within 10 days of the change on a new Waste Tire Generator Notification Form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:1323 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2503 (October 2005), LR 33:90 (January 2007), LR 33:2158 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

#### **§10521. Standards and Responsibilities of Sellers of Motor Vehicles Dealers**

A. Within 30 days of commencement of business operations, or when requested by the administrative authority, All existing motor vehicle dealers shall notify the Office of Management and Finance administrative authority of their existence and obtain an identification number. Notification shall be made using the on-a form available on the department's website provided by the Office of Management and Finance. Any new motor vehicle dealer shall notify the Office of Management and Finance within 30 days of commencement of business operations.

B. Motor vehicle dealers doing business in the state of Louisiana, who sell new vehicles, shall be responsible for the collection from the consumer of the \$2 waste tire fee for each tire upon the sale of each vehicle ~~that has~~with passenger/light truck tires, the \$5 waste tire fee for each tire upon the sale of each vehicle ~~that has~~with medium truck tires, and the \$10 waste tire fee for each tire upon the sale of each off-road vehicle. No fee is collected on the designated spare tire. These fees shall also be collected upon replacement of all recall and adjustment tires. The department does not require the collection of fees on the sale of a vehicle with tires weighing 500 pounds or more, solid tires, or tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires.

C. Dealers of used motor vehicles doing business in the state of Louisiana shall not be subject to this Section. However, dealers of used motor vehicles who buy tires at wholesale and mount them on a used vehicle prior to sale are considered waste tire generators and are subject to the requirements of LAC 33:VII.10519.

DC. Motor vehicle dealers shall:

1. remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department administrative authority on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance;:-

2. Each such dealer shall, submit with the waste tire fees also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance) to the Office of Management and Finance on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected;:-

3. Each motor vehicle dealer is required to make a report and remit the fee imposed by this Section and shall keep maintain and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of vehicles sold, together with vehicle purchase and sales invoices, and inventory records, for a period of no less than five three years;:- and

4. These records shall be maintained the records in accordance with LAC 33:VII.10509.H by all parties for a minimum of three years and shall be and made available for audit and/or inspection at the place of business during regular business hours.

E. In any case where a motor vehicle dealer has failed to report and remit the waste tire fee to the administrative authority, and the dealer's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been submitted by the dealer, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the motor vehicle dealer.

DF. Motor vehicle dealers must provide notification shall prominently display to the public via the notification provided a sign made available by the Office of Management and Finance administrative authority, indicating that:

~~“All Louisiana motor vehicle dealers selling new vehicles are required to collect a waste tire cleanup and recycling fee from the consumer of \$2 for each tire upon the sale of each vehicle that has passenger/light truck tires, \$5 for each tire upon the sale of each vehicle that has medium truck tires, and \$10 for each tire upon the sale of each off-road tire, upon the sale of each new motor vehicle. These fees shall also be collected upon replacement of all recall and adjustment tires. No fee shall be collected on the designated spare tire. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires.”~~

~~GE.~~ The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice or buyers order and identified as the “LDEQ waste tire fee.” The LDEQ waste tire fee shall not include any additional fees. No tax of any kind shall be applied to this fee.

~~HF.~~ A motor vehicle dealer who ceases the sale of motor vehicles at the registered location shall notify the ~~Office of Management and Finance~~ administrative authority in writing within 10 days of the date of the close or relocation of the business. This written notice shall include information regarding the location and accessibility of the ~~motor vehicle sales and monthly report records~~ required by Subsection D of this Section.

~~IG.~~ Motor vehicle dealers, who generate waste tires, shall comply with the requirements of LAC 33.VII.10519.L, and the manifest requirements of LAC 33:VII.105334.

~~JH.~~ Motor vehicle dealers shall also comply with LAC 33:VII.10519.~~HI-K, and Q, if applicable for all waste tires and waste tire material collected and/or stored.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:1324 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:91 (January 2007), LR 33:2158 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10523. Standards and Responsibilities of Waste Tire Transporters**

A. Any person who transports more than 20 waste tires within the state of Louisiana shall comply with all of the requirements for transporters contained in this Section.

B. No person shall transport more than 20 waste tires without a valid transporter authorization certificate and a completed manifest satisfying the requirements of LAC

33:VII.10534. The manifest provision shall not apply to state and local governments utilizing vehicles to transport waste tires from rights-of-way to government agency collection centers satisfying the requirements of LAC 33:VII.10527.H.

CA. Transporters of waste tires shall complete the transporter authorization application for transporter authorization form available on the department's website. Along with the application, the transporter shall and submit the application, proof of commercial liability insurance and financial responsibility in the form of a surety bond, containing the language provided in LAC 33:VII.1303.D.1 and Chapter 11103 Appendix B, in a minimum amount of \$10,000, or as determined by the secretary, with the and payment of the transporter fees as specified in LAC 33:VII.10535.A.5. The transporter shall provide other documentation deemed necessary by the administrative authority, to the Office of Management and Finance administrative authority prior to transporting waste tires.

DB. Upon satisfying the requirements of Subsection B of this Section and obtaining approval by the administrative authority, the appropriate number of authorization certificates and transporter decals shall be issued. A transporter authorization certificate shall be valid for a maximum of one year from the date of issuance. All transporter authorization certificates and transporter decals expire on June/July 30<sup>1</sup> of each calendar year. The administrative authority shall issue to the transporter an appropriate number of transporter decals shall to be placed in accordance with Subsection FH of this Section. The administrative authority may suspend, revoke, or deny transporter authorization certificates for cause. Such cause shall include, but not be limited to:

1. violations of federal or state law;
2. failure to maintain a complete and accurate record of waste tire shipments;
3. falsification of shipping documents or waste tire manifests;
4. delivery of waste tires to a facility not permitted to accept the tires;
5. failure to comply with any rule or order issued by the administrative authority pursuant to the requirements of this regulation;
6. unauthorized disposal of waste tires and/or waste tire material; or
7. collection or transportation of waste tires without a valid transporter authorization.

E. Transporters shall reapply for authorization certificates in accordance with Subsection B of this Section on an annual basis and the application shall be submitted no later than July 1 of each calendar year.

~~C. No person shall transport more than 20 waste tires without a completed manifest satisfying the requirements of LAC 33:VII.10533.~~

F. A transporter of waste tires shall only accept and transport waste tires from generators who have notified and obtained a valid generator identification number from the administrative authority.

~~GD. For in-state waste tire transportation, the transporter shall transport all waste tires only to an authorized collection center, an authorized waste tire transfer station, or a permitted processing facility, or an authorized end-market use.~~

~~E. Any person who engages in the transportation of waste tires from Louisiana to other states or countries or from other states to Louisiana, or persons who collect or transport waste tires in Louisiana, but have their place of business in another state, shall comply with all of the requirements for transporters contained in this Section.~~

H.F. The transporter shall affix the transporter decal to the driver's and passenger sides door of each registered vehicle listed on the notification form, along with the transporter decal, and the passenger's door of each truck or tractor listed on the notification form, The transporter authorization certificate number in characters no less than 3 inches in height shall be kept in the registered vehicle at all times.

~~IG. All persons subject to this Section shall notify the Office of Management and Finance administrative authority in writing within 10 days when any information on the authorization certificate form changes, or if they close their business and cease transporting waste tires.~~

J. All persons who use company-owned or company-leased vehicles to transport tire casings for the purpose of retreading between company-owned or company-franchised retail tire outlets, and retread facilities owned or franchised by the same company are not considered waste tire transporters unless they also transport waste tires.

K. Prior to transporting any waste tire material in the state of Louisiana, all persons shall notify the administrative authority on a form available on the department's website. Except for

the notification requirement and the manifest requirements in LAC 33:VII.10534.C, persons transporting only waste tire material are not subject to the requirements of this section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2778 (December 2000), LR 27:831 (June 2001), repromulgated LR 27:1885 (November 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2503 (October 2005), LR 33:2159 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

#### **§10524. Standards and Responsibilities of Waste Tire Transfer Stations**

A. No person shall operate a waste tire transfer station without authorization from the administrative authority. Owners and/or operators of waste tire transfer stations shall:

1. Complete the waste tire transfer station authorization form available on the department's website. The form shall be submitted to the administrative authority for review.

2. Comply with existing local zoning and comprehensive land-use regulations and ordinances.

3. Provide advanced written notice, at least 30 days prior to construction/operation, to the parish governing authority whose jurisdiction may be affected, of the intent to operate a waste tire transfer station.

B. Authorization Duration. A waste tire transfer station authorization issued under this Section shall be valid for two years from the date of issuance. Waste tire transfer stations with an effective authorization shall submit to the administrative authority a new authorization application, following the process as contained in this Section, at least 90 calendar days before the expiration date of the authorization, unless written permission for later submission is granted by the administrative authority. If the renewal application is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the renewal application on or before the expiration date of the authorization, the existing authorization shall remain in effect until the administrative authority issues a final decision on the renewal authorization.

C. The administrative authority may, for cause, suspend, revoke, and/or modify this authorization by giving the owner and/or operator a 60 day written notice of its intent to take the intended action, and allowing the owner and/or operator an opportunity to demonstrate why the intended action should not be taken.

D. No processing or disposal shall occur at a waste tire transfer station.

E. Tires shall not be stored at the waste tire transfer station for more than 10 days after the initiation of the manifest by the generator.

F. Waste tires shall be stored in locked containers or trailers which prevent the collection of rainwater. These storage containers shall remain locked at all times to prevent unauthorized access.

G. Manifests for the waste tires at the facility shall be maintained in a secure manner at the transfer station until such time that the tires represented on the manifest are transported to a permitted processor. Manifests shall be made available upon inspection and/or audit.

H. Waste tire transfer stations are only allowed to receive waste tires from authorized transporters.

I. Owners and operators of waste tire transfer stations shall notify the administrative authority in writing within 10 days of the date of the closure or relocation of the facility. No less than 10 days prior to closure or relocation of the transfer station, all waste tires shall be removed from the transfer station and transported to a permitted processing facility.

J. Signs shall be prominently posted to discourage promiscuous dumping at the waste tire transfer station.

K. Notwithstanding the provision in Subsection F of this Section, persons operating a waste tire transfer station intending to store waste tires on the ground shall comply with the following requirements.

1. A buffer zone of not less than 50 feet between the facility and the property line shall be established and maintained. A reduction in the buffer zone requirements shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the conveyance records of the parish or parishes in which the landowners' properties are located. The affidavit(s) shall be maintained with the records of the facility. No storage of waste tires shall occur within the facility's buffer zone.

2. Security shall be provided for the facility in the form of a fence surrounding the facility to prevent unauthorized ingress or egress except by willful entry. During operating



hours, each facility entry point shall be continuously monitored, manned, or locked. During non-operating hours, each facility entry point shall be locked.

3. Waste tires shall be stored in a manner to prevent the collection of rainwater.

4. No waste tires shall be stored in standing water.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10525. Standards and Responsibilities of Waste Tire Processors**

A. Before receiving a shipment of waste tires from a relocated generator (one from which, the processor has not previously received shipments) or one that has changed ownership, the processor shall verify, using the Generator List on the department's website, that the generator's status is active and determine the generator's status as eligible or ineligible. If waste tires originating from an ineligible generator are marked eligible on the manifest, the processor shall follow the procedures outlined in LAC 33:VII.10534.B.7 for correcting a discrepancy on the manifest. The processor shall notify the administrative authority upon becoming aware of generators who have not registered.

#### BA. Receipt of Tires

1. Upon receiving a shipment containing waste tires, the processor shall be responsible for verifying the number of eligible and ineligible waste tires in the shipment by actually counting each waste tire. The processor shall sign each waste tire manifest upon receiving the waste tires. Permitted pProcessors with an agreement with the administrative authority can be reimbursed from the Waste Tire Management Fund for only those eligible tires accepted from authorized Louisiana transporters or from generators as specified in LAC 33:VII.10519.LK.

2. Each pProcessors shallmay accept no more than five20 unmanifested waste tires from a person, tires-per day, per customerper vehicle. However, the processor will only be eligible for reimbursement from the Waste Tire Management Fund for five of the unmanifested waste tires received, provided the tires are defined as Program Eligible Waste Tires. The processor shall maintain at the Unmanifested Waste Tire log on a form provided by the administrative authority for all unmanifested waste tiresloads. The log shall include, at the minimum, the following:

- a. the name, ~~and address,~~ phone number, and driver's license number with state of issuance of the customer person delivering the waste tires;
- b. the license plate number of the vehicle delivering the tires;
- ~~c. the phone number of the customer;~~
- ~~cd. the number, type, and whether the tires are eligible or ineligible number of tires received;~~
- ~~de. the date and the signature of the person delivering the tires; and~~
- ~~f. the time; and~~
- ~~g. the signature of the customer delivering the tires.~~
- e. an explanation of how the waste tires were generated.

C. No processor shall list on the Unmanifested Waste Tire Log an ineligible tire as eligible.

DB. On a form available ~~obtained from the Office of Management and Finance on the department's website,~~ all processors shall submit ~~to the Office of Management and Finance a~~ monthly report on or before the twelfth day of each month. That monthly report shall include:

1. Waste Tire Facility Reports and Application for Payment;
2. Generator Manifests in accordance with LAC 33:VII.10534.B;
3. Processor Manifest in accordance with LAC 33:VII.10534.C;
4. Monthly Collection Center Reports, if applicable;
5. Unmanifested Waste Tire Logs;
6. Louisiana Department of Agriculture and Forestry certified scale-weight tickets including gross, tare, and net weights; and
7. any other documentation requested by the administrative authority.

~~which shall include a certified record of pounds of tires processed during the month, along with all completed manifests for the month and the log recording all unmanifested waste tires deposited at the facility. The monthly report shall also include a certified record of the pounds of waste tire material that have been marketed and delivered as a product or raw material for beneficial reuse. An alternative method of reporting sale of waste tire material shall be developed~~

~~and approved for each processor that uses a process other than shredding. The alternative method shall be approved by the administrative authority.~~

E. Permitted processors who have an effective Processor's Agreement shall submit an annual report on all approved end-market use projects to the administrative authority. This report is due no later than January 31 of each year for the previous year's activities, and shall identify approved projects, the amount of all whole waste tires and/or waste tire material used in each approved project within the last year, and the date of completion of each project, if applicable.

FC. Waste tire facility operatorsprocessors shall provide completed copies of waste tire manifests to the appropriate waste tire generator within 30 days of the origination date of the manifest and shall comply with all other requirements of LAC 33:VII.10534.

GD. All waste tire facilitiesprocessors mustshall meet the following standards.

1. All processors shall control ingress and egress to the site through a means approved by the administrative authority, with at least one entrance gate being a minimum of 20 feet wide.

2. All facilities shall have Maintain a buffer zone of 100 feet. Waste tires and waste tire material shall not be placed in the buffer zone. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 100 feet from the facility. The processor shall enter a copy of the notarized affidavit(s) in the conveyance records of the parish or parishes in which the landowners' properties are located.

3. Fire Protection Prohibit open burning.

a. There shall be no open burning.

4b. The facility operator shall Enter into a written agreement with the local fire department regarding fire protection at the facility.

5e. The facility operator shall Develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment.

64. Provide Suitable drainage structures or features shall be provided to prevent or control standing water in the waste tires, waste tire material, and associated storage areas.

75. Control aAll water discharges, including stormwater runoff, from the site shall be in accordance with applicable state and federal rules and regulations.

~~6. All waste tire processors, collectors, and associated solid waste management units shall comply with LAC 33:VII.Subpart 1.~~

~~87. Waste tires and waste tire material shall be treated according to~~ Maintain an acceptable and effective disease vector control plan approved by the administrative authority.

~~98. Waste tires and waste tire material stored outside shall be~~ Mmaintained in waste tires and waste tire material in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority. The number of piles shall be based on the maximum amount of waste tires and/or waste tire material to be stored in accordance with Paragraph G.12 of this Section, the dimensions of the piles, and an appropriate industry standard density.

~~109. Waste tire or waste tire material piles shall be separated by~~ Maintain lanes with between piles of waste tires and/or waste tire material a minimum width of 50 feet to allow access by emergency vehicles and equipment.

~~1140. Ensure that~~ Access-lanes to and within the facility ~~shall be~~ are free of potholes and ruts and be designed and maintained to prevent erosion.

~~1211. The storage limit for waste tires and waste tire material shall be~~ Store no more than 60 times the daily permitted processing capacity of the processing facility. The daily capacity of the facility shall be calculated using the daily throughput of the limiting piece of processing equipment and the daily operating hours of the facility.

13. Upon ceasing operations, processors shall ensure clean closure.

~~1412.~~ All waste tire facility operators shall maintain a site closure financial assurance fund in an amount based on the maximum number of pounds of waste tires and/or waste tire material that will be stored at the processing facility site at any one time. This fund shall be in the form of a financial guarantee bond, performance bond, or an irrevocable letter of credit in the amount of \$20 per ton of waste tires and/or waste tire material on the site. A standby trust fund shall be maintained for the financial assurance mechanism that is chosen by the facility. The financial guarantee bond, performance bond, irrevocable letter of credit, or standby trust fund must use the exact language included in the documents in LAC 33:VII.1110~~4~~3.Appendix ~~AB~~. The financial assurance must be reviewed at least annually.

135. An alternative method of determining the amount required for financial assurance shall be as follows:

a. the ~~processor~~~~waste tire facility operator~~ shall submit to the administrative authority~~Office of Management and Finance~~ an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time;

b. the ~~processor~~~~waste tire facility operator~~ shall also submit to the administrative authority~~Office of Management and Finance~~ two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of loading the waste tire material, transportation to a permitted disposal site, and the disposal cost; and

c. if the estimates provided are lower than the required \$20 per ton of waste tires and/or waste tire material, the administrative authority shall evaluate the estimates submitted and determine the amount of financial assurance that the processor is required to provide.

146. Financial assurances for closure and post-closure activities must be in conformity with the standards contained in LAC 33:VII.727.A.2.i1303 and the sample documents in 11103.

H. Processors shall only deliver waste tires and/or waste tire material to end-market users in the amount approved by the administrative authority and shall not deliver waste tires and/or waste tire material in anticipation, or prior to approval, of end-market use projects. Processors violating this provision shall promptly remove any improperly delivered whole tires and/or waste tire material and either properly dispose of and/or find another approved end-market use for the whole tires and/or waste tire material. In any case, the use of improperly delivered whole waste tires and/or waste tire material shall not entitle the processor to an additional payment from the Waste Tire Management Fund. In the event the processor chooses to properly dispose of the material, he shall reimburse the Waste Tire Management Fund for any payments received for the disposed material.

#### I.E. Mobile Processors

1. Only standard permitted processors shall be eligible to apply for mobile processor authorization certificates. Each applicant requesting a mobile processor authorization certificate pursuant to these regulations shall complete the mobile processor application in accordance with LAC 33:VII.10517.B.~~Any mobile processor without a standard permit whose certificate expires~~

~~after the effective date of these regulations may have the certificate renewed for a one-time period of 365 days upon request of the mobile processor.~~

2. The appropriate mobile processor application fee ~~must~~ shall be submitted with the application in accordance with LAC 33:VII.10535.A.3.

3. ~~Upon review and approval of the mobile processor authorization application form, the administrative authority shall issue a mobile processor authorization certificate.~~

4. ~~A mobile processor authorization certificate shall be valid for one year from the date of issuance.~~

5. ~~Each applicant requesting a mobile processor authorization certificate pursuant to these regulations shall complete the mobile processor authorization application form including, but not limited to, the following information:~~

- ~~a. the name of the business owner;~~
- ~~b. the name of the business or organization;~~
- ~~c. the business location address, including street, city, state, parish, and zip code;~~
- ~~d. the complete mailing address;~~
- ~~e. the business telephone number;~~
- ~~f. the name, business address, and telephone number of the contact person associated with the applicant;~~
- ~~g. the federal identification number of the business or organization and the state tax identification number;~~
- ~~h. a description of each vehicle, truck, trailer, and/or processing unit which will be used by the applicant for the processing of waste tires including the make, model, year, license number, and name of registered owner if different from that of the processor;~~
- ~~i. evidence of general liability insurance in the amount of \$1 million provided by an insurer who is admitted, authorized, or eligible to conduct insurance business in Louisiana;~~
- ~~j. a signed legal certification that all information provided in the application is true and correct with the knowledge of the possibility of punishment under the law for false information;~~

~~k. the name of the authorized agent of process, if applicable; and~~

~~l. the signature of the applicant and the date.~~

3. The administrative authority will review the mobile processor authorization application and issue a mobile processor authorization certificate, if appropriate. Mobile processing operations are prohibited without a valid authorization certificate.

4. A mobile processor authorization certificate is valid for one year from the date of issuance. Mobile processors shall reapply in accordance with LAC 33:VII.10517.B on an annual basis, no later than 30 days prior to the expiration of the certificate.

~~56. For mobile waste tire processing, the processor shall operate only at an authorized collection center, a permitted processing facility, or other sites with prior written authorization from by the administrative authority; such sites shall meet all applicable requirements of this Chapter.~~

6. For mobile waste tire processing, the processor shall:

a. prohibit open burning;

b. provide fire protection at the processing location; and

c. locate processing equipment:

i. in an area of sufficient size and terrain to handle the processing operation;

ii. a minimum of 100 feet from all adjacent property lines, unless otherwise authorized by the administrative authority;

iii. away from utilities, such as power lines, pipelines, or potable water wells; and

iv. near roadways and entrances suitable for truck hauling waste tires and/or waste tire material.

7. Immediately upon processing, the waste tire material shall be deposited in a transportable collection container. All waste tire material shall be removed within 10 days from the date of processing.

8. No processed material shall be deposited on the ground at the processing location at any time.

9. Mobile processors shall submit a monthly report on or before the twelfth day of each month for the previous month's activity, including months in which no activity occurred. This report shall be submitted on a form available on the department's website detailing the processing activities at the authorized location. The information in the report shall include, but is not limited to:

- a. site physical address;
- b. number of whole tires processed;
- c. weight (in pounds) of processed material removed from the site, verified by certified scale weight tickets; and
- d. number of tires remaining to be processed.

107. Mobile processors are responsible for notifying the ~~Office of Environmental Services~~ administrative authority in writing within 10 days when any information on the ~~notification~~ mobile processor authorization application changes, prior to moving to another authorized location, or if ~~they~~ operations cease processing waste tires with a mobile unit.

~~JF.~~ Governmental agencies may operate tire splitting equipment for the purposes of volume reduction prior to disposal without a permit to process waste tires, provided they meet the requirements outlined in ~~LAC 33:VII.10517~~ Paragraphs I.6-8.C, and 10 of this Section, and ~~request~~ receive written authorization from the ~~administrative authority~~ Office of Management and Finance before initiating any processing.

~~KG.~~ Processors shall maintain a complete set of records pertaining to manifested tires or ~~shredded~~ waste tire material coming in or leaving their place of business. This shall include, but is not limited to, manifests, monthly reimbursement reports, records of all payments from/to end-markets, inventory records, logs, any documents related to out-of-state tire activity, and financial records. These records shall be maintained for a period of no less than ~~three~~ five years and shall be made available for audit and/or inspection at the processor's place of business during regular business hours ~~open for inspection by the administrative authority at all reasonable hours.~~

L. After review, the administrative authority may, for cause, suspend, revoke, and/or modify the standard permit and/or mobile processor authorization by giving the processor a 60 day written notice of its intent to take the intended action, and allowing the processor an opportunity to demonstrate why the intended action should not be taken.



AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2779 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 28:1953 (September 2002), LR 29:2780 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2503 (October 2005), LR 33:2159 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10527. Standards and Responsibilities for Waste Tire ~~Collectors and~~ Collection Centers**

#### A. Receipt of Tires

1. ~~All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10533.~~ All collection center operators shall be responsible for counting the number of tires in ~~the~~each shipment. The collection center shall report monthly on a form available on the department's website. The monthly report shall be submitted to the administrative authority, due no later than the fifteenth day of each month for the previous month's activity of the following month, documenting the total number of tires received at the facility along with copies of the Unmanifested Waste Tire Log Sheets. These records shall be maintained by the collection center for a minimum of ~~three~~five years and shall be made available for audit and/or inspection at the collection center's place of business during regular business hours~~are subject to audit by the administrative authority~~.

2. Each collection center shall accept no more than five unmanifested waste tires per individual, per day per ~~customer~~ vehicle. These five tires will be eligible, provided the tires are defined as Program Eligible Waste Tires. The collection center shall maintain on a form available on the department's website, a the Unmanifested Waste Tire Log for of all unmanifested waste tires~~loads~~. The log ~~for all unmanifested loads~~ shall include, at the minimum, the following:

a. the name, ~~and~~ address, phone number, and driver's license number of the ~~customer~~ person delivering the waste tires;

b. the license plate number with state of origin of the vehicle delivering the tires;

c. ~~the phone number of the customer;~~

cd. the number and type of tires and whether the tires are eligible or ineligible of tires received;

de. the date and the signature of the person delivering the tires; and

~~f. the time; and~~

~~g. the signature of the customer delivering the tires.~~

e. an explanation as to how the waste tires were generated.

B. All collection center operators shall meet the following standards, ~~in LAC 33:VII.10525.D.1-10 and 12-14.~~

1. Control ingress and egress to the site through a means approved by the administrative authority, with at least one entrance gate being a minimum of 20 feet wide.

2. Maintain a buffer zone of 100 feet. Waste tires shall not be placed in the buffer zone. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 100 feet from the facility. The collector center operator shall enter a copy of the notarized affidavit(s) in the conveyance records of the parish or parishes in which the landowners' properties are located.

3. Prohibit open burning.

4. Enter into a written agreement with the local fire department regarding fire protection at the facility.

5. Develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment.

6. Provide suitable drainage structures or features to prevent or control standing water in the waste tires and associated storage areas.

7. Control all water discharges, including stormwater runoff, from the site in accordance with applicable state and federal rules and regulations.

8. Maintain an acceptable and effective disease vector control plan approved by the administrative authority.

9. Maintain waste tires in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority. The number of piles shall be based on the maximum amount of waste tires to be stored in accordance with Subsection C of this Section, the dimensions of the piles, and an appropriate industry standard density.

10. Maintain lanes between piles of waste tires a minimum width of 50 feet to allow access by emergency vehicles and equipment.

11. Ensure that lanes to and within the facility be free of potholes and ruts and be designed and maintained to prevent erosion.

C. ~~The Collection centers shall storage no more than limit for a collection center shall be 3,000 whole waste tires at any time or 60 times the daily permitted processing capacity, whichever is greater.~~

D. Use of mobile processing units are allowed at collection centers. Immediately upon only when processed, the waste tire material shall be immediately deposited in a transportable collection trailer or other suitable container for immediate removal from the site. All waste tire material shall be removed from the collection center by the processor within 10 days from the date of processing.

E. No processed waste tire material shall be deposited on the ground at a collection center at any time.

~~F. All collection centers shall provide a method to control and/or treat process water if applicable.~~

F. All collection center operators shall satisfy the manifest requirements of LAC 33:VII.10534.

G. The closure plan for all collection centers must ensure clean closure and must include the following:

1. the method to be used and steps necessary for closing the collection center;
2. a detailed and itemized ~~the~~ estimated cost of closure of the collection center, based on the cost of hiring a third party to close the collection center at the point in the center's operating life when the extent and manner of its operation would make closure the most expensive;
3. ~~an estimate of~~ the maximum inventory of whole waste tires ever on-site over the active life of the collection center;
4. a schedule for completing all activities necessary for closure; and
5. the sequence of final closure as applicable.

6. All collection center operators shall maintain a site closure financial assurance fund in an amount based on the maximum number of pounds of waste tires that will be stored at the collection center at any one time. This fund shall be in the form of a financial guarantee bond, performance bond, or an irrevocable letter of credit in the amount of \$20 per ton of waste tires on the site. A standby trust fund shall be maintained for the financial assurance mechanism that is chosen by the facility. The financial guarantee bond, performance bond, irrevocable letter of credit, or standby trust fund must use the exact language included in the documents in LAC 33:VII.11103. Appendix B. The financial assurance must be reviewed at least annually.

7. An alternative method of determining the amount required for financial assurance shall be as follows.

a. The collection center operator shall submit to the administrative authority an estimate of the maximum total amount by weight of waste tire material that will be stored at the processing facility at any one time.

b. The collection center operator shall also submit to the administrative authority two independent, third-party estimates of the total cost of cleaning up and closing the facility, including the cost of loading the waste tires, transportation to a permitted processing facility.

c. If the estimates provided are lower than the required \$20 per ton of waste tires, the administrative authority shall evaluate the estimates submitted and determine the amount of financial assurance that the collection center is required to provide.

8. Financial assurances for closure and post-closure activities must be in conformity with the standards contained in LAC 33:VII.1303 and the sample documents in LAC 33:VII.11103.

#### H. Government Agencies

1. Government agencies intending to operate collection centers will not be required to obtain permits, provided that the collection center is:

a. located on property owned or otherwise controlled by the government agency, unless otherwise authorized by the administrative authority;

b. attended by personnel during operational hours and have controlled ingress and egress during non-operational hours; and

c. staffed by personnel witnessing the loading and unloading of waste tires.

2. Government agencies operating collection centers shall:

a. only accept waste tires from roadside pickup, from rights-of-way, and individuals;

b. not accept tires from registered generators;

c. not allow the removal of waste tires by anyone other than an authorized transporter;

d. operate under a fire and disease vector control plan;

e. notify the administrative authority in writing within 10 days of the date of closure, relocation, or when any information provided on the notification form changes; and

f. satisfy the requirements of LAC 33:VII.10509, 10519.I, 10527.A.1 and 2, 10527.C-E, and 10534.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:41 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 29:2780 (December 2003), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10529. Standards and ~~Responsibilities of~~ Procedures for Waste Tire Cleanups ~~Property~~**

**~~Owners~~**

A. Property Owners. ~~Owners of property on which unauthorized more than 20 waste tires are stored, deposited, or abandoned but were not generated by a waste tire generator authorized by the administrative authority and managed in accordance with LAC 33:VII.10519, piles are located shall:~~

1. provide for and ensure the removal of the waste tires ~~remediate the site or reimburse the department for the cost of remediation, except as provided by R.S. 30:2156.~~ in the following manner:

a. removed by the property owner and transported to a permitted processing facility in quantities of no more than 20 per day;

b. removed by the property owner and transported to an authorized collection center in quantities of no more than five per day; or

c. in accordance with the department's Single Event Cleanup procedures outlined in paragraph B of this Subsection;

~~B. 2. Owners of property on which unauthorized waste tire piles are located shall provide disease vector control measures adequate to protect the safety and health of the public, and shall keep the site free of excess grass, underbrush, and other harborage; and~~

~~C. 3. Owners of property on which unauthorized waste tire piles are located shall limit access to the piles to prevent further disposal of tires or other waste.~~

#### B. Single Event Cleanups

1. Single Event Cleanups may be authorized by the administrative authority to address accumulations of waste tires at unauthorized locations provided that notification is submitted to the administrative authority 30 days prior to the anticipated event. Notification shall be on the Single Event Cleanup/Government Tire Sweep form, which is available on the department's website. The information on the form shall include:

- a. type of application;
- b. name of responsible business, organization, government entity, or property owner;
- c. physical location of abandoned waste tires to be removed;
- d. email address of applicant;
- e. contact person if different from owner;
- f. mailing address;
- g. phone number and fax number;
- h. reason for request (i.e., promiscuous dump, called in complaint, found on property, tire sweep, or other);
- i. estimated number of waste tires to be removed;
- j. information describing how the waste tires were generated;
- k. name of permitted processor to receive waste tires; and
- l. certification that all information provided on the form is true and correct with the knowledge of the possibility of punishment under the law for false information.

2. All waste tires collected shall be removed by an authorized waste tire transporter and processed by the permitted waste tire processor indicated on the Single Event Cleanup/Government Tire Sweep form submitted to the administrative authority. Use of a waste tire processor not indicated on the form must be approved in writing by the administrative authority.

3. The administrative authority shall not be responsible for any cost associated with the removal of the tires.

4. Approval of the cleanup is effective for the time period and amount of waste tires specified in the approval letter. If additional time is needed, a written request shall be submitted to the administrative authority for approval prior to the expiration date indicated in the initial approval letter. Exceedances of 10 percent or more in the estimated number of tires reported in the notification form shall be reported in writing to the administrative authority prior to the expiration date indicated in the initial approval letter.

5. Applicants shall comply with the manifest requirements of LAC 33:VII.10534 and shall identify the tires as ineligible on the manifest.

#### C. Government Tire Sweeps

1. Government Tire Sweeps may be authorized by the administrative authority to allow government agencies to collect waste tires provided that:

a. Notification is submitted to the administrative authority 30 days prior to the anticipated event. Notification shall be on the Single Event Cleanup/Government Tire Sweep form, which is available on the department's website. The form shall include the information described in Paragraph B of this Subsection.

b. The government agency has not conducted a Tire Sweep within six months prior to the request.

2. A maximum of five waste tires may be collected per person and no waste tires shall be accepted from businesses. Records of the five tires shall be maintained on the Unmanifested Waste Tire Log Form, available on the department's website.

3. All waste tires collected shall be transported by an authorized waste tire transporter and processed by the permitted waste tire processor indicated on the Single Event

Cleanup/Government Tire Sweep form submitted to the administrative authority. Use of a waste tire processor not indicated on the form must be approved in writing by the administrative authority.

4. Waste tire collection shall only be conducted on the date(s) included in the approval letter. If additional time or alternate dates are needed, the administrative authority shall be notified in writing prior to the expiration date included in the initial approval letter.

5. Government agencies shall comply with the manifest requirements of LAC 33:VII.10534.

D. Waste Tires Discarded by a Third Party. Property owners and government entities cleaning property in which tires have been discarded by a third party and requesting the waste tires be determined eligible shall.

1. Notify the administrative authority in writing with information regarding the discarded tires. This information includes, but is not limited to, address of the site, estimated number and type of tires, photographs, and information on person(s) responsible for the discarded tires, if known.

2. Obtain and submit to the administrative authority a police report documenting the incident. If a police report cannot be obtained, a written certification shall be submitted to the administrative authority attesting that all information provided in Paragraph 1 of this Section is true and correct.

3. Provide the administrative authority a description of the measures taken to prevent future incidents of this nature at the site. These measures include, but are not limited to, limiting access to the site by adding fencing or other means to secure the property, posting signs to deter dumping of tires, and/or using cameras and/or video surveillance to record dumping incidents.

4. Provide disease vector control measures adequate to protect the safety and health of the public, and keep the site free of excess grass, underbrush, and other harborage.

5. Limit access to the discarded tires to prevent further disposal.

6. Not remove the discarded tires from the property prior to obtaining written permission from the administrative authority, which includes an eligibility or ineligibility determination. Unless otherwise determined by the administrative authority, no more than 520



tires can be eligible per site in a calendar year. Reimbursements from the Waste Tire Management Fund will not be approved for any waste tires removed under the authority of this Section which are defined as Program Ineligible Waste Tires.

7. Ensure the tires are removed by an authorized waste tire transporter and transported to a permitted waste tire processor.

8. Comply with the manifest requirements of LAC 33:VII.10534.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10531. Standards and Responsibilities of ~~Qualified Recyclers~~ High Volume End Use Facilities**

~~A. Within 30 days of promulgation of these rules and regulations, recyclers shall notify the Office of Environmental Services, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Environmental Services, including, but not limited to:~~

- ~~1. name of the business owner;~~
- ~~2. name of the business;~~
- ~~3. mailing address, including city, state, zip code, and parish;~~
- ~~4. street address, including city, state, zip code, and parish;~~
- ~~5. business telephone number;~~
- ~~6. federal identification number and state tax identification number;~~
- ~~7. site master plan, including, when applicable, property lines, buildings, facilities, excavations, drainage, roads, and other elements of the process system employed;~~
- ~~8. name, address, and phone number of a contact person in case of an emergency, if different from the owner; and~~
- ~~9. signature and date.~~

AB. All owners and/or operators of High Volume End Use facilities recycling waste tires and/or waste tire material in Louisiana shall meet the following requirements of LAC 33:VII.10525.D.

1. Control ingress and egress to the site through a means approved by the administrative authority, with at least one entrance gate being a minimum of 20 feet wide.
2. Maintain a buffer zone of 100 feet. Waste tires and waste tire material shall not be placed in the buffer zone. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 100 feet from the facility. A copy of the notarized affidavit(s) shall be placed in the conveyance records of the parish or parishes in which the landowners' properties are located.
3. Prohibit open burning.
4. Enter into a written agreement with the local fire department regarding fire protection at the facility.
5. Develop and implement a fire protection and safety plan for the facility to ensure personnel protection and minimize impact to the environment.
6. Provide suitable drainage structures or features to prevent or control standing water in the waste tires, waste tire material, and associated storage areas.
7. Control all water discharges, including stormwater runoff, from the site in accordance with applicable state and federal rules and regulations.
8. Maintain an acceptable and effective disease vector control plan approved by the administrative authority.
9. Maintain waste tires and waste tire material in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority. All facilities shall provide, for approval by the administrative authority, calculations and/or justification of the amount of waste tires and/or waste tire material to be stored at the facility. At no time shall the amount of material stored at the facility exceed the amount approved by the administrative authority.
10. Maintain lanes between piles of waste tires or waste tire material a minimum width of 50 feet to allow access by emergency vehicles and equipment.
11. Ensure that lanes to and within the facility be free of potholes and ruts and be designed and maintained to prevent erosion.
12. Specific projects using whole waste tires and/or waste tire material shall meet the

requirements of LAC 33:VII.10532 and shall be submitted, in writing, to the administrative authority for prior approval. High Volume End Use Facilities shall have an approved project in order to receive, store, or utilize waste tires and/or waste tire material.

13. On a form available on the department's website, all High Volume End Use Facility owners and/or operators shall submit a monthly report to the administrative authority, which shall include a certified record of pounds of waste tire material, and/or whole waste tires received and used in an approved end-market use project.

14. All facilities shall maintain, for a minimum of five years, a complete set of the following records:

- a. documentation of compliance with the approved storage limits;
- b. copies of waste tires and/or waste tire material manifests entering and/or exiting the site of the approved project;
- c. copies of required monthly reports; and
- d. any documents related to out-of-state activity.

15. All records shall be maintained at the facility and shall be made available for audit and/or inspection during regular business hours.

~~C. The storage limit for waste tire material shall be no more than 180 times the daily recycling capacity of the recycling facility. The facility must maintain records to document its compliance with this provision.~~

B. Requirements for Processing Facilities Operating as High Volume End Use Facilities

1. Waste tire material will only be eligible for payment when recycled or that reaches an approved end-market use project.

2. Processors shall comply with all standard processing permit requirements.

3. The processor shall maintain a legible log for all waste tire material being utilized as landscape mulch, and/or playground material. The log shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the address where the waste tire material will be used;
- c. an explanation as to how the waste tire material will be used;
- d. the license plate number and state of issuance of the vehicle picking up the material;

- e. the phone number of the customer;
- f. the pounds of waste tire material received and the certified weight ticket number associated with the load;
- g. the date;
- h. the time; and
- i. the signature of the customer certifying, under penalty of law, that all information provided in the log is true and correct.

C. Entities located outside Louisiana applying to become a High Volume End Use Facility shall use a form available on the department's website. The applicant shall provide the administrative authority confirmation from their state indicating the facility has the proper permits and is authorized to accept the waste tires and/or waste tire material. If the facility is not in compliance with applicable regulations of the state in which the facility is located, the administrative authority reserves the right to review the project and make it ineligible for payment and/or deny the High Volume End Use Facility application.

D. Port Facilities Applying to Become a High Volume End Use Facility

1. In instances where waste tires and/or waste tire material is required to be stored in quantities greater than 5,000 whole tires and/or 2,000,000 pounds of waste tire material to facilitate transportation to an approved out-of-state end-market use project, the port where the waste tires and/or waste tire material will be loaded for transportation on water shall submit an application to become a High Volume End Use Facility utilizing a form available on the department's website. For purposes of transportation to end-market use projects out-of-state, waste tires and/or waste tire material shall not be stored at facilities other than approved high volume end use facilities.

2. Waste tires and/or waste tire material shall not be accepted without an approved end-market use project as demonstrated by a copy of the project approval letter from the administrative authority. Waste tires and/or waste tire material shall not be accepted at the facility in anticipation of, or prior to approval of, end-market use projects.

3. Waste tires and/or waste tire material shall not be accepted at the facility in amounts exceeding the end-market use project approval.

4. The facility shall:

- a. prohibit open burning;
  - b. provide suitable drainage structures or features to prevent or control standing water in the waste tires, waste tire material, and associated storage areas;
  - c. control all water discharges, including stormwater runoff, from the site in accordance with applicable state and federal rules and regulations;
  - d. maintain an acceptable and effective disease vector control plan approved by the administrative authority;
  - e. maintain waste tires and waste tire material in piles, the dimensions of which shall not exceed 10 feet in height, 20 feet in width, and 200 feet in length or in such dimensions as approved by the administrative authority;
  - f. maintain lanes between piles of waste tires and/or waste tire material a minimum width of 50 feet to allow access by emergency vehicles and equipment, unless otherwise approved by the administrative authority; and
  - g. ensure that lanes to and within the facility be free of potholes and ruts and be designed and maintained to prevent erosion.
6. On a form available on the department's website, the facility owner and/or operator shall submit a monthly report to the administrative authority, which shall include a certified record of the number of waste tires and/or pounds of waste tire material received from each permitted processor and shipped to each approved end market use project.
7. The facility shall maintain, for a minimum of five years, a complete set of the following records:
- a. copies of waste tires and/or waste tire material manifests entering and/or exiting the place of business;
  - b. copies of end-market use project approval letters; and
  - c. copies of required monthly reports.
8. All records shall be maintained at the facility and shall be made available for audit and/or inspection during regular business hours.
- E. After review, the administrative authority may, for cause, suspend, revoke, and/or modify the High Volume End Use Facility's authorization by providing the facility owner a 60 day

written notice of the administrative authority's intent to take the intended action and allowing the facility owner an opportunity to demonstrate why the intended action should not be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

**§10532. End-Market Uses**

A. End-market use projects may be approved by the administrative authority on a case-by-case basis. These projects include, but are not limited to, slope stabilization, erosion control, levee construction, lightweight backfill material, roadway stabilization material over soft soils, or other applications as approved by the administrative authority.

1. The administrative authority will review and issue a decision within 15 business days of receipt of an application for the following end-market use projects:

- a. backfill as an alternative to aggregate to promote drainage; and
- b. use in landfill applications such as leachate collection systems.

2. For purposes of Paragraph 1 of Subsection A above, if additional information is requested based on the inadequacy of the application, the 15 day review period is suspended. The review period resumes upon the administrative authority's receipt of the requested information from the applicant.

3. Customary end-market use projects utilizing waste tires and/or waste tire material for tire derived fuel (TDF), lightweight backfill for bulkheads, or crumb rubber applications are considered approved if the administrative authority has not issued to the applicant a project approval, requested additional information, or denied the project within 15 business days of project submittal. The administrative authority reserves the right to add additional projects to the list provided above. The list will be maintained on the department's website.

4. Applications for end-market use projects described in Subsection A.1 of this Section shall be electronically submitted in a manner determined by the administrative authority.

B. Specific projects using whole waste tires and/or waste tire material shall meet the requirements of LAC 33:VII.10533 and LAC 33:VII.10534.

C. Facilities at which whole waste tires and/or waste tire material is utilized for projects that require extended storage must obtain approval as a High Volume End Use Facility in addition to receiving approval of any end-market use project.

D. Unless approved by the administrative authority as a High Volume End Use Facility, end-

market users shall not store more than 5,000 whole waste tires or 2,000,000 pounds of waste tire material at the end of any operational day.

E. On a form available on the department's website, end-market users shall submit a monthly report to the administrative authority, unless exempted on a case-by-case basis, which shall include a certified record of pounds of waste tire material or whole waste tires received and a certified record of pounds of waste tire material and/or whole waste tires used in an approved end-market use project.

F. End-market users shall maintain a complete set of records pertaining to waste tires and/or waste tire material coming in or leaving the site of the approved project. The records shall include, but are not limited to, manifests, required monthly reports, inventory records, logs, and any documents related to out-of-state activity as determined by the administrative authority. These records shall be maintained for a period of no less than five years and shall be made available for audit and/or inspection at the end market user's place of business during regular business hours.

G. End-Market Users shall:

1. prohibit open burning;
2. provide fire protection at the location;
3. locate the project work site:
  - a. in an area of sufficient size and terrain to handle the operation; and
  - b. maintain a minimum distance of 100 feet from nearby residences, businesses, and/or sensitive receptors, (e.g., schools, hospitals, clinics, that will be inconvenienced or adversely affected by use of the site).

H. Whole waste tires and/or waste tire material shall only be utilized in the project as approved by the administrative authority.

I. If the approved amount of waste tires and/or waste tire material delivered exceeds the amount required to complete the approved project, the end-market user shall notify the administrative authority in writing within 15 days of completion of the project. The notification shall include the numbers or weight of waste tires and/or waste tire material, and a description of how the end-market user intends to address the unused material.

J. Within 30 days of completion of any end-market use project, the end-market user shall

submit a letter to the administrative authority stating date of completion, the amount of waste tires and/or waste tire material that was needed to complete the project, and amount of unused material.

K. The administrative authority may, for cause, review, suspend, modify, and/or revoke an End-Market Use project authorization by giving the end-market user a five day written notice of its intent to take the intended action, and allowing the end-market user an opportunity to demonstrate why the intended action should not be taken.

L. International End-Market Use Projects

1. Permitted processors shall submit an End-Market Use application in accordance with LAC 33:VII.10515 and receive written authorization from the administrative authority prior to shipping waste tire material internationally. The information described in LAC 33:VII.10515.A.12 and 13 is not required in applications for international end-market use projects. However, the application shall include a copy of the contract/agreement with the international market which specifies the amount of waste tire material to be sent to the market. Only the permitted processor shall be required to sign the application.

2. International end-market use projects are not subject to the requirements of Paragraphs C-H, J, K, and L of this Section.

3. Approved international end-market users are not required to apply for and obtain authorization as high volume end use facilities.

4. In the event the end-market use project is cancelled prior to the waste tire material leaving the port, processors shall promptly remove it and either properly dispose of it or find another approved end market use for the waste tire material. In any case, the use of waste tire material shall not entitle the processor to an additional payment from the Waste Tire Management Fund. In the event the processor chooses to properly dispose of the waste tire material, he shall reimburse the Waste Tire Management Fund for any payments received for the waste tire material.

5. Processors shall only deliver to the port waste tire material in the amount approved by the administrative authority and shall not deliver waste tire material in anticipation, or prior to approval, of international end-market use projects. Processors violating this provision shall promptly remove any improperly delivered waste tire material and either properly dispose of



and/or find another approved end market use for the waste tire material. In any case, the use of improperly delivered waste tire material shall not entitle the processor to an additional payment from the Waste Tire Management Fund. In the event the processor chooses to properly dispose of the waste tire material, he shall reimburse the Waste Tire Management Fund for any payments received for the disposed waste tire material.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2503 (October 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10533. Project Specifications**

A. Civil engineering projects may be approved by the administrative authority on a case-by-case basis. Calculations and/or designs shall be certified by a professional engineer registered in the state of Louisiana, as determined by the administrative authority. Project requests shall include a description of the materials to be replaced and the engineering properties (e.g., strength, permeability, etc.), of the waste tires and/or waste tire material that demonstrate comparable or improved performance to conventional materials. Unless project specifications require otherwise or an alternate design is specified by a professional engineer and approved by the administrative authority, the following requirements shall be met:

#### 1. Landfill Leachate Systems

a. A maximum thickness of 12 inches of tire material shall be used unless otherwise demonstrated by the design engineer. However, in no case shall the thickness of tire material exceed 24 inches.

b. Tire chips shall be separated from geomembranes by a minimum of 12 inches earthen material or as approved in the facility's permit.

#### 2. Gas Collection Systems

a. Tire material may be used to backfill a trench in which pipe associated with the gas collection system is laid.

b. The trench may be no larger than twice the diameter of the pipe or as specified by the design engineer.

3. Bulkhead Backfill/Lightweight Fill. Waste tire material used in bulkhead or lightweight fill applications shall provide comparable or improved performance compared to

conventional material.

4. Slope Stabilization/Erosion Control

a. Tire material may be used to control erosion. However, tire material may only be used to rebuild a slope no less than 4(Horizontal):1(Vertical).

b. No more than 6 inches of waste tire material may be placed at the top of the slope and a maximum of 18 inches at the toe, unless the design engineer can demonstrate that additional waste tire material is needed to meet the intended design criteria.

B. Other Projects. A request for other projects shall contain engineering drawings and/or supporting calculations demonstrating compliance with Subsection A of this Section.

Projects shall provide for the efficient and proper use of waste tires and/or waste tire material in a manner that does not constitute disposal. Project standards will be determined on a case-by-case basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.

**§105334. Manifest System**

A. All shipments, other than those transported in authorized government-vehicles transporting waste tires from rights of way to a government agency collection center satisfying the requirements of LAC 33:VII.10507.B, of more than 20 waste tires shall be accompanied by a waste tire manifest provided by the ~~department~~administrative authority and executed in accordance with this Section. Generators offering t~~Tires for~~ transported in Louisiana that are ~~not eligible~~ineligible tires, as defined in LAC 33:VII.10505, shall ~~be~~ clearly labeled such tires as ineligible on the manifest.

B. The Generator Waste Tire M~~anifest document~~ flow is as follows:

1. Prior to the tires leaving the facility, the generator initiates the manifest (original and at least five copies), by completing all of Section 1 and designating the ~~destination~~processing facility in Section 43. After the transporter signs the manifest, the generator retains one copy for his files, and the original and all other copies accompany the waste tire shipment. Upon receipt of the waste tires, the transporter completes the Section 2, Transporter 1 information. If applicable, upon surrender of the shipment to a second transporter, the second transporter completes the Section 2, Transporter 2 information. After Transporter 2 signs the manifest, Transporter 1 retains his copy of the manifest;

2. ~~The~~ transporter secures the signature of the designated ~~destination~~ processing facility operator upon delivery of waste tires ~~and/or waste tire material~~ to the designated ~~destination~~ processing facility. The transporter retains one copy for his files and gives the original and remaining copies to the designated ~~destination~~ processing facility operator;

3. ~~The~~ designated processing facility operator completes Section ~~43~~ of the generator waste tire manifest and retains a copy for his files. The designated processing facility operator shall submit the original manifest to the ~~Office of Management and Finance,~~ administrative authority, with the monthly processor report. The designated processing facility shall provide completed copies of the Generator Waste Tire Manifest to the appropriate waste tire generator within 30 days of the origination date of the manifests ~~send all remaining copies to the generator no later than seven days after delivery;~~

4. Generators, transporters, and processors shall certify that the information submitted in the generator manifest is true and correct to the best of his knowledge.

54. ~~A~~ generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated ~~destination~~ processing facility within 30 days of the date the waste tires ~~and/or waste tire material~~ ~~were~~ accepted by the initial transporter must contact the transporter and/or the owner or the operator of the designated ~~destination~~ processing facility to determine the status of the shipment; ~~and,~~

65. ~~A~~ generator must submit to the ~~Office of Management and Finance,~~ administrative authority, written notification, if he has not received a copy of the manifest with the handwritten signature of the designated ~~destination~~ processing facility operator within 45 days of the date the shipment was accepted by the initial transporter. The notification shall include:

- a. a legible copy of the manifest for which the generator does not have confirmation of delivery; and
- b. a cover letter signed by the generator explaining the efforts taken to locate the shipment and the results of those efforts.

7C. Upon discovering a discrepancy of 10 percent or greater in the number or type of tires in the load, the designated ~~destination~~ processing facility ~~must~~ shall attempt to reconcile the discrepancy with the generator(s) or transporter(s). The ~~destination~~ processing facility operator must submit to the ~~Office of Management and Finance,~~ administrative authority, ~~within five working days,~~ as part of their monthly report, electronic files containing an itemized list of

generator/processor manifests, a letter describing in detail the discrepancy and attempts to reconcile it and a copy of the manifest(s). After the discrepancy is resolved, a corrected copy shall be sent to the Office of Management and Finance, administrative authority.

8D. Completed manifests shall be maintained by all parties the generator, transporter(s), and processor for a minimum of three five years and shall be made available for audit and/or inspection at the generator's place of business during regular business hours.

C. The Processor Waste Tire Manifest Flow is as Follows.

1. The processor initiates the Processor's Waste Tire Manifest (original and five copies), by completing all of Section 1 and Section 3. After the transporter signs the manifest, the processor retains one copy for his files, and the original and all other copies accompany the waste tire material shipment. Upon receipt of the waste tire material, the transporter completes the Section 2 information.

2. The transporter secures the signature of the designated destination facility operator upon delivery of the waste tire material. The transporter retains one copy for his files and gives the original and remaining copies to the designated destination facility operator.

3. The designated destination facility operator completes Section 4 of the Processor's Waste Tire Manifest and retains a copy for his files and shall provide completed copies to the appropriate waste tire processor within 30 days of the origination date of the manifest. The processor shall submit the original manifest to the administrative authority, with the monthly report.

4. Processors, transporters, and end-market users shall certify that the information submitted in the processor manifest is true and correct to the best of his or her knowledge.

5. A processor who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated destination facility within 30 days of the date the whole waste tires and/or waste tire material was accepted by the initial transporter must contact the transporter and/or the owner/operator of the designated destination facility to determine the status of the shipment.

6. The processor must submit a written notification to the administrative authority if he has not received a copy of the manifest with the handwritten signature of the designated destination facility operator within 45 days of the date the shipment was accepted by the transporter. The notification shall include:

a. a legible copy of the manifest for which the processor does not have confirmation of delivery; and

b. a cover letter signed by the processor explaining the efforts taken to locate the shipment and the results of those efforts.

7. Upon discovering a discrepancy on the Processor's Waste Tire Manifest, the processor must attempt to reconcile the discrepancy with the transporter or designated destination facility operator. The processor must submit to the administrative authority, as part of their monthly report, electronic files containing an itemized list of generator/processor manifests, describing in detail the discrepancy and attempts to reconcile it and a copy of the manifest(s). After the discrepancy is resolved, a corrected copy is to be sent to the administrative authority.

8. Completed manifests shall be maintained by the processor, transporter, and destination facility for a minimum of five years and shall be made available for inspection and/or audit at their place of business during regular business hours.

9. All shipments of waste tires and/or waste tire material shall be accompanied by a manifest provided by the administrative authority and executed in accordance with this Section. Tire material transported into Louisiana that is ineligible shall be clearly labeled ineligible on the manifest.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2780 (December 2000), LR 27:831 (June 2001), LR 27:2228 (December 2001), LR 29:2780 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2504 (October 2005), LR 33:91 (January 2007), LR 33:2160 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10535. Fees and Fund Disbursement**

A. Permit and Application Fees. Each applicant ~~shall submit to the~~ for the following permits or other authorization from the ~~Office of Environmental Services~~ administrative authority shall submit with the application or request a non-refundable fee for the following categories ~~a non-refundable application fee in the amount specified;~~ according to the categories listed below. The appropriate fee must accompany the permit application or authorization application form.

1. Transporter ~~authorization application~~ Fees—\$100

a. The transporter authorization application fee is \$100.

b. The transporter maintenance and monitoring fee is \$25 per vehicle annually payable on or before July 31 of each year. This fee is to be paid on each truck listed on the transporter application form, or if the vehicle used to transport tires is a tractor and trailer rig, the vehicle fee must be paid for each tractor.

c. The transporter modification fee is \$25 per vehicle transfer. This fee is charged each time a vehicle is added or substituted on a transporter authorization certificate.

2. The Ccollection center permit application fee is \$800.

3. The Mmobile processor annual application fee is \$600.

4. The Sstandard processor permit application fee is \$1,250.

5. The Ppermit modification fee is \$100.

~~6. Transporter maintenance and monitoring fee \$25/vehicle per fiscal year. This fee is to be paid on each truck listed on the transporter application form, or if the vehicle used to transport tires is a tractor and trailer rig, the vehicle fee must be paid for each tractor.~~

~~7. Transporter modification fee \$25/vehicle transfer. This fee is charged each time a vehicle is added or substituted on a transporter authorization certificate.~~

~~68. Recycler authorization~~ The High Volume End Use Facility application fee is \$250.

~~B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer or motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. This fee shall be collected whether or not the purchaser retains the waste tires. No fee shall be collected on tires weighing more than 500 pounds or solid tires. The department does not require the collection of fees on the sale of tires weighing 500 pounds or more, solid tires, or tires de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires.~~

#### C. Waste Tire Fee Audits and Informal Resolution Procedures

1. Audits shall be undertaken to ensure waste tire generators are in compliance with all applicable regulations and that all monies owed to the Waste Tire Management fund are efficiently, effectively, and timely collected and remitted to the fund.

2. Waste tire generators are audited for various reasons, including but not limited to, referrals resulting from department inspections and enforcement issues, waste tire program or financial services staff collection efforts, and/or research initiated and performed by the auditors based on various circumstances.

3. Upon a determination that outstanding waste tire fees are owed, the administrative authority shall mail a written demand letter and invoice to the generator. The written demand letter shall include the following:

- a. the amount of the debt owed;
- b. a plan of action for recovery of the debt by the administrative authority;
- c. options available to the generator for repayment of the debt; and
- d. the informal procedures available to the generator by which the written demand letter, and contents of the invoice including the amount of the deb may be disputed.

4. Demand letters and invoices may be disputed by either sending a written dispute letter to the administrative authority requesting that the invoice be reevaluated, or by sending a written letter to the administrative authority requesting an informal meeting with the department to discuss the matter.

a. Written Dispute Process. Within 30 calendar days of the date on the written demand letter, the generator may dispute the debt by sending a letter to the administrative authority containing a concise statement, along with any supporting documentation, demonstrating why the debt is not owed. After a written dispute is received, the administrative authority will review the dispute, along with any supporting documentation submitted, and thereafter take any of the following actions :

- i. reverse the amount of the debt in dispute and close the invoice;
- ii. partially reduce the amount of the debt and issue a new written demand letter and invoice; or
- iii. deny the dispute on grounds that insufficient information has been provided by the generator and proceed with appropriate department debt collection efforts.

b. Informal Dispute Meeting. Within 30 calendar days of the date on the written demand letter, the generator may dispute the debt by sending a letter to the administrative

authority requesting an informal meeting to discuss the debt. Upon a determination by the administrative authority that a meeting is warranted, the administrative authority will notify the generator in writing of the date, time, and place of the informal meeting. The generator shall bring to the meeting all supporting documentation, including but not limited to, receipts, sales invoices, or any other documentation to dispute the debt. After the meeting, the administrative authority will consider the information discussed at the meeting, review all supporting documentation, if any, presented by the generator at the meeting, and thereafter take any of the following actions:

i. reverse the amount of the debt in dispute and close the invoice;

ii. partially reduce the amount of the debt and issue a new written demand letter and invoice; or

iii. deny the dispute on grounds that insufficient information was provided to dispute the debt and proceed with appropriate debt collection efforts.

DC. The disposition of the fee shall be as follows.

1. The entire waste tire fee shall be forwarded to the Office of Management and Finance by the tire dealer and/or motor vehicle dealer and shall be deposited in the Waste Tire Management Fund.

2. The waste tire fee shall be designated as follows:

a. Aa minimum of \$1.50 per 20 seven and a half cents per pound of whole waste tires and/or waste tire material that is recycled or that reaches an approved end-market use equivalent will be utilized to pay permitted waste tire processors that have entered into a are working under Processor A agreement with the administrative authority, and are in compliance with all applicable requirements of these regulations for the processing of currently generated waste tires marketed in accordance with Paragraph D.4 of this Section;

b. Aa maximum of 10 percent of the waste tire fees collected may be utilized for program administration; and

c. 5 percent of the waste tire fees collected may be used for research and market development; and



~~cd.~~ Ten~~10~~ percent of the waste tire fees collected may be used for the cleanup of unauthorized waste tire piles ~~cleanup~~ and waste tire material.

ED. Payments for Processing and Marketing Waste Tires and Waste Tire Material. Payments made by the state of Louisiana are meant to temporarily supplement the business activities of processors and are not meant to cover all business expenses and costs associated with processing and marketing. Payments shall only be paid to standard permitted processors under written agreement with the ~~department~~administrative authority in accordance with LAC 33:VII.105156.

~~1. Payments shall be paid for the processing and marketing of waste tires generated after January 1, 1995, as outlined in LAC 33:VII.10515.~~

12. No payments shall be made for waste tires generated outside of the state of Louisiana.

23. No payments shall be made for ~~marketing~~ used tires or for tires destined to be retreaded.

34. The payment for marketing or recycling of ~~shredded~~waste tire and/or waste tire material shall be a minimum of ~~\$1.50 per 20~~seven and a half cents per pounds of waste tires and/or waste tire material that is recycled in accordance with a department approved by a end-market use~~qualified recycler. The determination that waste tires and/or waste tire material is being marketed to an end-market use shall be made by the administrative authority. This determination may be reviewed at any time.~~ The processor shall maintain documentation demonstrating that the waste tires and/or waste tire material has been recycled or has reached end-market use.~~The determination that waste tire material is being marketed to a qualified recycler shall be made by the administrative authority; this determination may be reviewed at any time.~~

45. The payment for marketing waste tires and/or waste tire material produced by means other than shredding shall be determined on a case-by-case basis, but shall be a minimum of ~~\$1.50 per 20~~seven and a half cents per pounds of waste tires and/or waste tire material.

~~6. The marketing payments shall be made to the processor for whole waste tires or baled waste tires that are marketed and shipped to a qualified recycler by the processor.~~

57. Payments shall be made to the processor on a monthly basis, after properly completed monthly reports are submitted by the processor to the administrative authority ~~Office of Management and Finance~~. Reporting forms will be provided by the ~~Office of Management and Finance~~ administrative authority.

68. The amount of payments made to each processor is based on the availability of monies in the Waste Tire Management Fund.

79. All, or a portion, of a processor's payments may be retained by the administrative authority if the administrative authority has evidence that the processor is not fulfilling the terms of ~~his~~ the Processor Agreement and/or ~~his~~ the conditions of the processor's standard permit or the standards and requirements of these regulations.

810. Waste tire material that was produced prior to January 1, 1998, and for which processing payments were made are only eligible for the additional \$0.15 incentive for marketing the waste tire material when the material is marketed after December 31, 1997.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2504 (October 2005), LR 33:2160 (October 2007), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

#### **§10536. Remediation of Unauthorized Tire Piles**

~~A. Upon promulgation of these regulations, the administrative authority may issue agreements for remediation of unauthorized waste tire piles. The number of agreements issued each year shall be determined based on the availability of funds in the Waste Tire Management Fund that are designated for unauthorized waste tire pile remediation. Any such agreements shall designate specific eligible sites and the department shall monitor the remediation activities, which shall be made in accordance with the standards and responsibilities outlined in the Solid Waste Regulations, LAC 33:VII. Any such agreements shall stipulate a maximum amount of total allowable costs that shall be paid from the Waste Tire Management Fund. These monies shall not be applied to indirect costs and other unallowable costs, which include but are not limited to, administrative costs, consulting fees, legal fees, or premiums for performance bonds. Furthermore, they shall not be applied to reclamation efforts or remediation costs associated with~~

~~other types of contaminants, which may be detected during the remediation process. Rather, these funds shall be applied to direct costs such as labor, transportation, processing, recycling, and disposal costs of the waste tires.~~

~~B. In order to apply for and receive funding for unauthorized waste tire site remediation, local governments must provide the Office of Management and Finance with unauthorized waste tire site information. This information includes, but is not limited to, accurate site location, number of tires on site, visual report on site with photographs and proximity to residences, schools, hospitals and/or nursing homes, and major highways. Such information shall be submitted using forms available from the Office of Management and Finance.~~

~~C. Unauthorized waste tire piles shall be chosen for remediation based on their placement on the waste tire priority remediation list. Point values shall be assigned in accordance with the Waste Tire Management Fund Prioritization System located in LAC 33:VII.11103. Appendix B. These ranking criteria were developed in consideration of threat to human health, threat of damage to surrounding property, and adverse impact on the environment.~~

~~D. State agencies, parish, or local governments may consolidate several smaller waste tire piles provided they obtain prior approval from the Office of Management and Finance. Consolidating the piles for the purpose of remediation may increase the priority ranking of the site in question.~~

~~E. Waste tires may not be removed from unauthorized waste tire piles without prior approval of the Office of Management and Finance.~~

~~F. The administrative authority will seek reimbursement from all responsible parties for any waste tire cleanup costs incurred by the state by any method allowed by law, provided same is practicable and cost effective.~~

~~G. The department may enter into agreements with processors holding either a standard waste tire processing permit or a mobile processor authorization certificate for the remediation of promiscuous/unauthorized waste tire sites.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), LR 23:722 (June 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:832 (June 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2504 (October

2005), LR 33:2160 (October 2007), repealed by the Office of the Secretary, Legal Division, LR 41:\*\*.

### **§10537. Enforcement**

A. Failure to Comply. Failure of any person to comply with any of the provisions of these regulations, ~~or of the terms and conditions of any permit, other authorization, granted,~~ or order issued by the administrative authority, pursuant to law and hereunder, constitutes a violation of the Act. To address any violation, the administrative authority may issue any enforcement action, including penalties, bring a civil suit as appropriate, or take any other such action as may be necessary and authorized by the Act or rules promulgated by the administrative authority.

~~B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In any case where a person selling tires has failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.~~

~~C. Development of Facts, Reports. The administrative authority may conduct inquiries and develop facts through staff investigatory procedures or formal investigations and may conduct inspections and examinations of facilities and records. The administrative authority may hold public hearings and/or issue subpoenas pursuant to R.S. 30:2025.I requiring attendance of witnesses and production of documents or take such other action as may be necessary and authorized by the act or rules promulgated by the administrative authority. At the conclusion of the investigation, all facts and information that have been developed concerning any cited violation shall be compiled by the staff of the department. A report of the investigation shall be presented to the administrative authority for use in possible enforcement proceedings.~~

~~D. Enforcement Action. When the administrative authority determines that a violation of the act or these regulations or the terms and conditions of any permit issued hereunder has occurred~~

~~or is about to occur, he or she shall initiate one or more of the actions set forth in R.S. 30:2025, or as otherwise provided by appropriate rules or statutes.~~

~~E. Fraudulent Takings~~

~~1. No person shall, with the intent to defraud, prepare, submit, tender, sign, make an entry upon, or certify any invoice, report, manifest, request for payment, claim, or other document in connection with the origin, transportation, storage, transfer, assignment, sale, or disposal of waste tires as defined by LAC 33:VII.10505.~~

~~2. Penalties for a violation of Paragraph E.1 of this Section shall be based on the value of the fraudulent taking. When the fraudulent taking results from a number of distinct acts by the offender, the aggregate amount of the payments, subsidies, credits, other disbursements, or things of value obtained shall determine the grade of the offense. Penalties shall be as follows.~~

~~a. If the fraudulent taking amounts to a value of \$500 or more, the offender shall be imprisoned, with or without hard labor, for not more than 10 years, or may be fined not more than \$3,000, or both.~~

~~b. When the fraudulent taking amounts to a value of \$300 or more, but less than \$500, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than \$2,000, or both.~~

~~c. When the fraudulent taking amounts to less than \$300, the offender shall be imprisoned for not more than six months, or may be fined not more than \$500, or both. However, if such a conviction is the offender's third or subsequent conviction for violation of this Subsection, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than \$2,000, or both.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002), amended by the Office of Environmental Assessment, LR 31:1324 (June 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10539. Grants and Loans Applicability**

A. The ~~department~~administrative authority may award a grant or loan to a person for any use that serves the purpose of:

1. encouraging market research and the development of products from waste tires that are marketable and provide a beneficial use; and/or
2. promoting those waste tire products that have beneficial use; and
3. assisting in solving the state's waste tire problem.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§10541. Application for a Grant or Loan**

A. A person may apply for a grant or loan from the Waste Tire Management Fund by making application to the Department of Environmental Quality, Office of Management and Finance. The grant or loan application must be submitted on a form obtained from the department, which shall be available on the department's website. Along with this form, the request for a grant or loan must include information on the following non-exclusive items:

1. a detailed description of the project for which the grant or loan is requested and how the project meets the requirements of LAC 33:VII.10539;
2. the amount of the grant or loan request;
3. the projected time frame for completion of the project for which the grant or loan is requested;
4. an analysis of how the grant or loan monies will be used to encourage market research and the development of products from waste tires that are marketable and that provide a beneficial use, and/or provide for the promotion of those waste tire products that have beneficial use;
5. a detailed explanation of how the grantee will account for the use of the grant or loan funds;
6. procedures for reporting to the department on an annual basis the status of the project.  
The department may require additional reporting;
7. how the recipient will provide for any permits that may be necessary in order for the project to be completed, and the status of the applicant's efforts to obtain the necessary permits;  
and

8. any other information deemed necessary by the department.

B. Upon receipt of the grant application or loan application, the department shall review the application, may request additional information from the applicant, may deny the application, or may grant the application.

1. The denial of a grant application or loan application is a final decision of the administrative authority.

2. The granting of the application does not award funds, but allows for the applicant and the department to enter into a grant or loan agreement. The grant or loan agreement constitutes the conditions, goals, and responsibilities of the recipient and the department. The grant agreement or loan agreement, as a condition of the agreement, may require offsets for amounts due from any ~~subsidy~~ payments made in accordance with LAC 33:VII.10535.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

#### **§10543. Violations**

A. Failure to Comply. The grantee shall comply with all provisions of the grant agreement or loan agreement. In the event of a violation, the ~~department~~administrative authority may take any enforcement action authorized by the Act, including but not limited to:

1. issuance of a compliance order;
2. issuance of a notice of potential penalty and/or a penalty;
3. filing suit for recovery of the grant or loan amounts; or

4. the placing of a lien on any real property of the grantee for the amount of the grant or loan funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3158 (December 2005), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**Chapter 111. Appendices**

**§11101. Public Notice Example—Appendix A**

A. The following is an example of a public notice to be placed in the local newspaper for intention to submit a permit application to the Office of Environmental Services for existing/proposed waste tire processing facilities and collection centers.

PUBLIC NOTICE

OF

INTENT TO SUBMIT PERMIT APPLICATION

[NAME OF APPLICANT/FACILITY]

FACILITY [location], PARISH [location], LOUISIANA

Notice is hereby given that [name of applicant] does intend to submit to the Department of Environmental Quality, Office of Environmental Services, Waste Permits Division an application for a permit to operate a [Waste Tire Processing/Waste Tire Collection Center] in [parish name], which is approximately [identify the physical location of the site by direction and distance from the nearest town].

Comments concerning the facility may be filed with the secretary of the Louisiana Department of Environmental Quality at the following address:

Louisiana Department of Environmental Quality

Office of Environmental Services

Waste Permits Division

Post Office Box 4313

Baton Rouge, Louisiana 70821-4313

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Division, LR 41:\*\*.



**§111043. Financial Assurance Documents—Appendix AB**

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

**FINANCIAL ASSURANCE DOCUMENTS FOR**

**WASTE TIRE FACILITIES**

~~(AUGUST 4, 1994)~~

The following documents are to be used to demonstrate financial responsibility for the closure of waste tire facilities. The wording of the documents shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted.

**SAMPLE DOCUMENT 1:**

**WASTE TIRE FACILITY**

**FINANCIAL GUARANTEE BOND**

Date bond was executed: [Date bond executed]

Effective date: [Effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name and business address]

[site identification number, site name, facility name, and current closure amount for each facility guaranteed by this bond]

Total penal sum of bond: \$

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality Waste Tire Management Fund in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all or us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the

payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the ~~Resource Conservation and Recovery Act as amended (RCRA)~~ and the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

NOW THEREFORE, if the Principal shall provide alternate financial assurance as specified in LAC 33:VII.10525.~~GD.125-~~ and 146 and obtain written approval from the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform closure in accordance with the closure plan and permit requirements as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the ~~Waste Tire Management Fund~~ standby trust as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the

Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the Office of Management and Finance, Financial Services Division, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.111043 Appendix AB ~~dated August 4, 1994,~~ effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETIES

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: \$

**SAMPLE DOCUMENT 2:  
WASTE TIRE FACILITY  
PERFORMANCE BOND**

Date bond was executed: [date bond executed]

Effective date: [effective date of bond]

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility address, and closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: \$

Surety's bond number:

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality, Waste Tire Management Fund, in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under ~~the Resource Conservation and Recovery Act as amended (RCRA)~~ and the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., to have a permit in order to own or operate the waste tire facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure care, as a condition of the permit;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in LAC 33:VII.10525. ~~GD.124-146~~ and obtain written approval of the Office of Management and Finance, Financial Services Division of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the *Louisiana Administrative Code*, Title 33, Part VII, or of its permit, for the facility for which this bond guarantees performances of closure, the Surety shall either perform closure, in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance as specified in LAC 33:VII.10525. ~~GD.125-146~~ and obtain written approval of such assurance from the Office of Management and Finance, Financial Services Division during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the surety shall place funds in the amount guaranteed for the facility into the ~~Waste Tire Management Fund~~ standby trust as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Management and Finance, Financial Services Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified by the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.1110+3. Appendix A-B dated August 4, 1994, effective on the date this bond was executed.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETY

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]

Bond Premium: \$

**SAMPLE DOCUMENT 3:**

**WASTE TIRE FACILITY**

**IRREVOCABLE LETTER OF CREDIT**

Secretary

Louisiana Department of Environmental Quality

Post Office Box 4303

Baton Rouge, Louisiana 70821-4303

Attention: Office of Management and Finance,

Financial Services Division

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit Number [number] in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the closure fund for its [list site identification number, site name, and facility name] at [location], Louisiana for any sum or sums up to the aggregate amount of U.S. dollars \$ [number] upon presentation of:

(1) A sight draft, bearing reference to the Letter of Credit Number [number] drawn by the administrative authority together with;

(2) A statement signed by the administrative authority, declaring that the operator has failed to perform closure in accordance with the closure plan and permit requirements and that the amount of the draft is payable into the ~~Waste Tire Management Fund~~ standby trust.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date, and on each successive expiration date thereof, unless, at least 120 days before the then current expiration date, we notify both the Office of Management and Finance, Financial Services Division and the [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder/applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft to the Department of Environmental Quality for deposit into the Waste Tire Management Fund in the name of [name of permit holder or applicant] in accordance with the administrative authority's instructions.

Except as otherwise expressly agreed upon, this credit is subject to the uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication Number 400, or any revision thereof effective on the date of issue of this credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.1110+3, Appendix AB ~~dated August 4, 1994~~, effective on the date shown immediately below.

[Signature(s) and Title(s) of Official(s) of Issuing Institutions]

[Date]

**SAMPLE DOCUMENT 4:**

**WASTE TIRE TRANSPORTER**



**FINANCIAL GUARANTEE BOND**

Date bond was executed: \_\_\_\_\_ [Date bond executed]

Effective date: \_\_\_\_\_ [Effective date of bond]

Principal: \_\_\_\_\_ [legal name and business address of permit holder or applicant]

Type of organization: \_\_\_\_\_ [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: \_\_\_\_\_

Surety: \_\_\_\_\_ [name and business address]

\_\_\_\_\_ [site identification number, site name, facility name, and current closure amount for each facility guaranteed by this bond]

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \_\_\_\_\_

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality Waste Tire Management Fund in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as co-sureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all or us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required by La. R.S. 30:2418 and LAC 33:10523 to obtain authorization from the administrative authority in order to transport waste tires; and

WHEREAS, the Principal is required by law to provide a surety bond to ensure proper management of waste tires in accordance with the Department of Environmental Quality's Waste Tire Regulations as a condition of the authorization;

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to properly manage waste tires in its possession as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the Waste Tire Management Fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to transporter authorizations, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the Office of Environmental Compliance, Waste Permits Division. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the Office of Environmental Compliance, Waste Permits Division, provided; however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana and that the wording of this surety bond is identical to the wording specified in the Louisiana Department of Environmental Quality's Waste Tire Regulations, LAC 33:VII.11103.Appendix B.

PRINCIPAL

[Signature(s)]

[Name(s)]

[Title(s)]

[Corporate Seal]

CORPORATE SURETIES

[Name and Address]

State of incorporation:

Liability limit:

[Signature(s)]

[Name(s) and title(s)]

[Corporate seal]

[This information must be provided for each cosurety]

Bond Premium: \$

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1214 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 27:832 (June 2001), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), amended by the Office of the Secretary, Legal Division, LR 41:\*\*.

**§11103. Appendix B**

**Waste Tire Management Fund Prioritization System**

~~Each waste tire site for which cleanup funds are solicited will be ranked according to the point system described below. The total number of points possible for any one site is 145 points. The points shall be allocated according to the following criteria.~~

~~I. Approximate Number of Tires in the Pile. This figure shall be an estimate by the department.~~

<b>Number of Tires in Pile</b>	<b>Point Value</b>
>1,000,000	50
250,001—1,000,000	40
100,001—250,000	30
50,001—100,000	20
50,000 or less	10

H. ~~Proximity to Nearest Schools. If a school is located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.~~

<b>Proximity to Nearest School</b>	<b>Point Value</b>
School within 2 mile radius	25
School within 4 mile radius	17
School within 6 mile radius	9

III. ~~Proximity to Residences. If 50 or more residences are located within the radius described below then the corresponding point value is assigned. Only one category may be chosen such that the maximum value allowed is 25.~~

<b>Proximity to 50+ Residences</b>	<b>Point Value</b>
50 or more within 2 mile radius	25

50 or more within 4 mile radius	17
50 or more within 6 mile radius	9

IV. Proximity to Hospitals and/or Nursing Homes. If a hospital and/or nursing home is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 25.

<b>Proximity to Hospital and/or Nursing Home</b>	<b>Point Value</b>
Hospital and/or nursing home within 2 mile radius	25
Hospital and/or nursing home within 4 mile radius	17
Hospital and/or nursing home within 6 mile radius	9

V. Proximity to Major Highways. If a major highway is located within the radius described below then the corresponding value is assigned. Only one category may be chosen such that the maximum value is 20.

<b>Proximity to Major Highway</b>	<b>Point Value</b>
Major highway within 1/4 mile radius	20
Major highway within 1/2 mile radius	10

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1214 (December 1996), amended by the Office of Environmental Assessment, Environmental

Planning Division, LR 26:2786 (December 2000), repealed by the Office of the Secretary, Legal Division, LR 41:\*\*.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

LOG #: SW062

Person Preparing Statement: Jackie M. Marve Dept.: Environmental Quality
Phone: (225) 219-3710 Office: Environmental Compliance
Return Address: 602 North Fifth Street Rule Title: Waste Tires Revisions
Baton Rouge, LA 70802 LAC 33:VII Chapters 105 & 111
Date Rule Takes Effect: Upon Promulgation

SUMMARY (Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated implementation costs or savings to state or local governmental units as a result of the proposed rule. The proposed rule organizes, clarifies and enhances regulatory requirements for the administration and enforcement of the waste tire program. In addition, Act 427 of 2015 directed that the waste tire regulations conform to current law. As part of reorganizing the program, the proposed rule separates permit applications and standards and procedures for each component associated with the waste tire program. An example of clarification is the further defining of eligible waste tires and ineligible waste tires. A provision regarding the dispute of waste tire audits was also added for greater efficiency. Finally, the proposed rule codifies into rule current practices utilized by the program such as a more defined waste tire manifest flow from generator to processors and processors to end market users.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units as a result of the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

The proposed rule change may result in a cost to directly affected persons or non-governmental groups as a result of increasing the record retention period from 3 years to 5 years. The increase in retention time is to be consistent with the audit period that allows for the department to audit an applicant at least once every five years. The record retention change is not retroactive and is prospective only.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment in the public or private sector as a result of the proposed rule.

Signature of Agency Head or Designee

Legislative Fiscal Officer or Designee

Herman Robinson, CPM, Executive Counsel
Typed Name and Title of Agency Head or Designee

Date of Signature

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule organizes, clarifies and enhances regulatory requirements for the administration and enforcement of the waste tire program, including the waste tire management fund. In addition, the legislature directed that the waste tire regulations conform to current law, and this proposed rule meets that directive.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

R.S. 30:2418(H) requires the Secretary of the Department of Environmental Quality to promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program. Section 3 of Act 427 of the 2015 Regular Legislative Session, requires the Secretary to bring any rule, regulation or guideline required by R.S. 30:2418(H) in conformity with current law by March 31, 2016.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

This proposed rule will not result in any increase in the expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a)  Yes. If yes, attach documentation.
- (b)  No. If no, provide justification as to why this rule change should be published at this time.

This question is not applicable.



FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

No costs or savings to state agencies are anticipated as a result of the proposed rule.

COSTS	FY 15-16	FY 16-17	FY 17-18
PERSONAL SERVICES	-0-	-0-	-0-
OPERATING EXPENSES	-0-	-0-	-0-
PROFESSIONAL SERVICES	-0-	-0-	-0-
OTHER CHARGES	-0-	-0-	-0-
EQUIPMENT	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR. POSITIONS (#)	-0-	-0-	-0-

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

Not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 15-16	FY 16-17	FY 17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
DEDICATED	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
OTHER (Specify)	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes, there currently exist sufficient funds for the implementation of the proposed rule.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No impact on local governmental units is anticipated.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

There are no anticipated costs or savings to local governmental units, so no funding sources should be affected.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

No increase or decrease in revenues to state or local governmental units is anticipated.

REVENUE INCREASE/DECREASE	FY 15-16	FY 16-17	FY 17-18
STATE GENERAL FUND	-0-	-0-	-0-
AGENCY SELF-GENERATED	-0-	-0-	-0-
RESTRICTED FUNDS*	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-
LOCAL FUNDS	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

There are no anticipated costs to directly affected persons or non-governmental groups as a result of the proposed rule.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No impact on receipts or income of the affected persons or non-governmental groups is expected.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

There will be no effect on competition or employment in the public or private sector.