

RULE

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Waste Tire Regulations
(LAC 33:VII.10505, 10519, 10525, 10527, and 10533) (SW034)

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 has amended the Solid Waste regulations, LAC 33:VII.10505, 10519, 10525, 10527, and 10533 (Log #SW034).

The rule clarifies and adds definitions and reporting requirements for collection centers, adds recall and adjustment tires to the fee system, changes the number of unmanifested tires that can be dropped off at collection centers from 20 to 5 per day per customer, and adds requirements for generators other than new tire dealers to maintain purchase receipts, inventory records, and sales invoices for three years. Waste tires have been coming from out-of-state into the waste tire program. There has been no fee collected on these tires, but they have been processed, marketed, and paid for through the Louisiana Waste Tire Program. The basis and rationale for this rule are to protect the Waste Tire Management Fund from being depleted by paying for ineligible out-of-state tires.

This rule includes technical amendments that were suggested and approved at the legislative oversight committee hearing held on December 3, 2003, by the House Environmental Committee and Senate Committee on the Environment. These amendments remove the new definition of *eligible tire* that was proposed and reword new language in §10525.A.1 to clarify that processors can accept both program eligible and ineligible tires, but only be reimbursed from the Waste Tire Management Fund for eligible tires.

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.

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Assistant Secretary

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.

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

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Eligible Tire—a generated waste tire for which a fee was charged as per LAC 33:VII.10519.E.2.

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

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Used Tire—a tire that can be salvaged and sold as a good, functional vehicle tire.

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

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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:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. – E.1. . . .

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each new 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 new tire sold, unless the purchaser elects to retain the waste tire."

F. – O. . . .

P. Generators other than new tire dealers (e.g., used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable 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 18:40 (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:** (December 2003).

§10525. Standards and Responsibilities of Waste Tire Processors

A. Receipt of Tires

1. Upon receiving a shipment containing waste tires, the processor shall be responsible for verifying the number of waste tires in each the shipment by actually counting each waste tire or weighing the shipment to determine passenger tire equivalents. The processor shall sign each waste tire manifest upon receiving waste tires. In order to be Processors can be reimbursed from the Waste Tire Management Fund, processors shall only accept for only those eligible tires accepted from authorized Louisiana transporters or from generators as specified in LAC 33:VII.10519.K.

2. Each processor shall accept no more than five unmanifested tires per day per customer. The processor shall maintain a log for all unmanifested loads. The log shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;
- f. the time; and
- g. the signature of the customer delivering the tires.

B. – F. . . .

G. 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 years and shall be open for inspection by the administrative authority at all reasonable 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 18:41 (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: (December 2003).

§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 tires in the shipment. The collection center shall maintain a log for all unmanifested loads of 20 or fewer waste tires. The collection center shall report monthly to the administrative authority, due no later than the fifteenth of the following month, the total number of tires received at the facility. These records shall be maintained by the collection center for a minimum of three years and are subject to audit by the administrative authority.

2. Each collection center shall accept no more than five unmanifested tires per day per customer. The collection center shall maintain a log for all unmanifested loads. The log for all unmanifested loads shall include, at the minimum, the following:

- a. the name and address of the customer;
- b. the license plate number of the vehicle delivering the tires;
- c. the phone number of the customer;
- d. the number of tires received;
- e. the date;
- f. the time; and
- g. the signature of the customer delivering the tires.

B. – G.5 . . .

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: (December 2003).

§10533. Manifest System

A. All shipments of more than 20 waste tires shall be accompanied by a waste tire manifest provided by the department and executed in accordance with this Section. Tires transported in Louisiana that are not eligible tires, as defined in LAC 33:VII.10505, shall be clearly labeled ineligible on the manifest.

B. – D. . . .

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: (December 2003).