

## NOTICE OF INTENT

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 gives notice that rulemaking procedures have been initiated to amend 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 are coming from out-of-state into the waste tire program. There is currently no fee collected on these tires, but they are 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 proposed 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 proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on September 24, 2003, at 1:30 p.m. in the Galvez Building, Room C111, 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 Lynn Wilbanks at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW034. Such comments must be received no later than October 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3582 or by e-mail to [lynnw@ldeq.org](mailto:lynnw@ldeq.org). Copies of this proposed regulation 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 SW034.

This proposed regulation is 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; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.  
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.

\* \* \*

*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.

\* \* \*

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

\* \* \*

*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.

\* \* \*

*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.

\* \* \*

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:

### **§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 reimbursed from the Waste Tire Management Fund, processors shall only accept eligible tires 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:

### **§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:

### **§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:

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

LOG #: SW034

Person

Preparing

Statement: Tony CasePhone: (225) 219-3862

Return

Address: 602 N. Fifth Street  
Baton Rouge, LA 70802Dept.: Dept. of Environmental QualityOffice: Management and Finance

Rule

Title: Waste Tire Regulation Changes  
(LAC 33:VII.10505, 10519, 10525,  
10527, and 10533)

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)**

No implementation costs or savings to state or local governmental units are expected as a result of this rule.

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

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule. Any additional collections by the state would only occur in the event of a manufacturer's recall of tires.

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

There should be no costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the implementation of this rule. Any additional costs would be borne by the manufacturer of the recalled tires if they entered our system. Used tire dealers will be affected by this rule in that they will have to maintain sales and purchase receipts for used tires bought and sold.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

Competition and employment are not expected to be affected as a result of the implementation of this rule.

\_\_\_\_\_  
Signature of Agency Head or Designee

\_\_\_\_\_  
LEGISLATIVE FISCAL OFFICER OR  
DESIGNEE

James H. Brent, Ph.D., Assistant Secretary  
Typed Name and Title of Agency Head or Designee

\_\_\_\_\_  
Date of Signature  
LFO 7/1/94

\_\_\_\_\_  
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 rule clarifies and adds definitions and reporting requirements for collection centers, adds recall and adjustment tires to the waste tire program, 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.

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Waste tires are coming from out-of-state into the waste tire program. There is no fee collected on these tires, but they are processed, marketed, and paid for through the Louisiana Waste Tire Program.

- C. Compliance with Act II 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.

The proposed rule is not expected to result in any increase of 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?

COSTS	FY 03-04	FY 04-05	FY 05-06
PERSONAL SERVICES	_____	_____	_____
OPERATING EXPENSES	_____	_____	_____
PROFESSIONAL SERVICES	_____	_____	_____
OTHER CHARGES	_____	_____	_____
EQUIPMENT	_____	_____	_____
TOTAL	-0-	-0-	-0-
MAJOR REPAIR & CONSTR. POSITIONS (#)	_____	_____	_____

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.

There will be no additional costs or savings to state agencies.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 03-04	FY 04-05	FY 05-06
STATE GENERAL FUND	_____	_____	_____
AGENCY SELF-GENERATED	_____	_____	_____
DEDICATED	_____	_____	_____
FEDERAL FUNDS	_____	_____	_____
OTHER (Specify)	_____	_____	_____
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?

Additional funds are not needed to implement this 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.

There will be no costs or savings to local governmental units.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

There will be no additional funding needed by local governmental units as they are not impacted by this rule.

**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?

<u>REVENUE INCREASE/DECREASE</u>	<u>FY 03-04</u>	<u>FY 04-05</u>	<u>FY 05-06</u>
STATE GENERAL FUND _____			
AGENCY SELF-GENERATED _____			
RESTRICTED FUNDS* _____			
FEDERAL FUNDS _____			
LOCAL FUNDS _____			
<u>TOTAL</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>

\*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.

There should be no increase or decrease in revenues. Any additional collections by the state would only occur in the event of a manufacturer's recall of tires.

**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.

Used tire dealers will be affected by this rule in that they will have to maintain sales and purchase receipts for used tires bought and sold.

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.

There will be no impact on income to the used tire dealers.

**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.

Competition and employment are not expected to be affected as a result of the implementation of this rule.