

NOTICE OF INTENT

Department of Environmental Quality
Office of Environmental Assessment
Environmental Planning Division

Waste Tire Fee Reporting
(LAC 33:VII.10519) (SW036)

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.10519 (Log #SW036).

The proposed rule cleans up and clarifies existing language, including identification of classes of dealers affected by the rule, requires the exclusive use of Form WT02, and clarifies the requirement for submittal of Form WT02 on or before the twentieth of every month, regardless of whether or not any fees have been collected. Review of the existing regulatory language revealed a possible lack of clarity regarding reporting requirements. The basis and rationale for this rule are to clarify the existing waste tire fee reporting requirements.

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 July 25, 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) 765-0399.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW036. Such comments must be received no later than August 1, 2003, at 4:30 p.m., and should be sent to Lynn Wilbanks, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or by e-mail to lynnw@ldeq.org. Copies of this proposed regulation can be purchased by contacting the DEQ Records Management Section at (225) 765-0843. Check or money order is required in advance for each copy of SW036.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 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>. It is anticipated that the DEQ Headquarters move from 7290 Bluebonnet Boulevard to 602 N. Fifth Street, Baton Rouge, LA, will be completed by mid-July.

James H. Brent, Ph.D.
Assistant Secretary

**Title 33
ENVIRONMENTAL QUALITY**

**Part VII. Solid Waste
Subpart 2. Recycling**

Chapter 105. Waste Tires

§10519. Standards and Responsibilities of Generators of Waste Tires

A. – C. ...

D. ~~All tire dealers~~Each dealer of passenger/light truck tires, medium truck tires, and off-road tires shall remit the all waste tire fees collected as required by, as specified in LAC 33:VII.10535.B and C, to the department on a monthly basis on or before the twentieth day following the month covered during which the fees were collected. The fees shall be ~~submitted~~remitted to the Office of Management and Finance, Financial Services Division. ~~Each such dealer shall also submit a, along with the Monthly Waste Tire Fee Report Form WT01 (Form WT02, available obtained from the Office of Management and Finance, Financial Services Division), to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Until December 31, 2001, the fee shall be reported on Form WT01 in the following tire categories: passenger/light truck, medium truck, and off road. On January 1, 2002, the fee shall be reported on Form WT02. Every~~ 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. These records shall be ~~open~~made available for inspection by the administrative authority at all reasonable hours.

E. – O. ...

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:**

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: SW036**

Person Preparing Statement: Chris Ratcliff Dept.: Environmental Quality
 Phone: 225.765.0369 Office: Secretary
 Return Address: Office of the Secretary Rule Title: Waste Tire Fee Reporting
PO Box 82263 LAC 33:VII.10519.D
Baton Rouge, La. 70884-2263 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 implementation costs expected.

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

There will be no effect on revenue collections of state or local governmental units. The rule should ensure more complete reporting from all affected dealers, helping to assure the proper collection of fees.

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

This rule merely clarifies an existing reporting requirement and will not change existing costs/benefits.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition or employment.

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

Date of Signature

LFO 7/1/94

**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 cleans up and clarifies the language of the section, including its identification of classes of dealers affected by the rule; requires the exclusive use of Form WT02; and clarifies the requirement for submittal of Form WT02 on or before the twentieth of every month, regardless of whether any fees have been collected.

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

Review of the existing regulatory language revealed a possible lack of clarity regarding reporting requirements.

- 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.

This does not apply.

- 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 does not apply.

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 are no expected costs or savings to state agencies to implement this rule.

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?

This does not apply.

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 are no anticipated costs or savings to local governmental units resulting from the proposed action.

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

This does not apply.

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	_____	_____	_____
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.

This does not apply.

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.

By clarifying reporting requirements, this rule should ensure more complete reporting from all affected dealers, helping to assure the proper collection of fees. There will be no additional costs and/or economic benefits to directly affected persons or nongovernmental groups.

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.

This does not apply.

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 effects on competition or employment resulting from this rule.