

DECLARATION OF EMERGENCY

Department of Environmental Quality Office of the Secretary

Waste Tire Transporter Reimbursement (LAC 33:VII.10515 and 10535)(SW019E)

In accordance with the emergency provisions of the Administrative Procedure Act R.S. 49:953 (B), and under authority of R.S. 30:2011, the Secretary of the Department of Environmental Quality declares that an emergency action is necessary because of the ever-increasing numbers of waste tires that are currently being generated. It is necessary for the DEQ to adopt this emergency rule so that funds may be made available from the Waste Tire Management Fund to facilitate the processing of waste tire piles and waste tires currently being generated. In accordance with R.S. 30:2018 (H)(5), DEQ is required to provide incentives and assistance for the collection and transportation of waste tires. Waste tires that are not processed in accordance with LAC 33:VII.10501 et seq. create environmental and health-related problems, and pose a significant threat to the safety of the community should a fire occur. Presently, there is no economic incentive to process waste tires not located near a permitted waste tire processor. Accordingly, many waste tires may not be processed and disposed of in accordance with LAC 33:VII.10501 et seq. The DEQ is preparing a rule which includes similar provisions to those contained in this emergency rule. The intent of this emergency rule is to make funds available from the Waste Tire Management Fund to provide for the processing and disposal of waste tires, which are presently not economically feasible to process and dispose of due to the remoteness of the site of generation from the processing facilities.

This emergency rule is effective on December 19, 1995, and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning SW019E, you may contact DEQ's Investigations and Regulation Development Division at (504) 765-0399. Adopted this 19th day of December, 1995.

Title 33 **ENVIRONMENTAL QUALITY** **Part VII. Solid Waste** **Subpart 2. Recycling**

Chapter 105. Waste Tires

§10515. Agreements with Waste Tire Processors

Permitted waste tire processors may apply to the administrative authority for subsidized funding to assist them with waste tire processing and disposal costs. This application form is available from the administrative authority.

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[See Prior Text in A - A.2]

3. Processors will be eligible to receive reimbursement for waste tire transportation costs as provided in LAC 33:VII.10535.

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[See Prior Text in B]

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 the Secretary, LR 22:

§10535. Fees and Fund Disbursement

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[See Prior Text in A - C.1]

2. beginning December 19, 1995, the \$2 waste tire fee shall be designated as follows: a range of \$.85 to \$1.50 will be used to pay waste tire processors for eligible costs under agreement with the administrative authority for transporting and processing currently generated waste tires. The remaining \$.50 to \$1.15 will be used by the administrative authority for program management, research and market development, and promiscuous tire pile cleanup.

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[See Prior Text in D - D.13]

E. Payments to waste tire processing facilities for transportation of waste tires shall be as follows:

1. expenses incurred by a permitted waste tire processor for transporting waste tires from the point of generation/point of manifest (place of pick-up or retrieval) to the processing facility are reimbursable as follows:

a. transportation expenses are reimbursable at a rate of \$.00333 per mile per tire not to exceed \$.50 per manifested waste tire. Transportation expenses include all costs associated with transporting waste tires for processing, e.g., tolls, salaries, insurance, overhead, gas, maintenance; and

b. requests for reimbursement shall be submitted to the department by the 20th day of the month following the month in which the expenses were incurred. The transportation reimbursement request must be accompanied by the following documentation:

i. the monthly report as required under LAC 33:VII.10525.B. The monthly report requires all completed manifests for the month;

ii. actual transportation invoice; and

iii. any other proof that may be requested by the administrative authority; and

2. conditions for reimbursement are as follows:

a. mileage shall be determined by use of the official Louisiana state map prepared by the Department of Transportation and Development;

b. processing facilities will not be reimbursed for expenses in excess of the actual invoice from the transporter;

c. processing facilities may be reimbursed at the rate of \$.00333 per manifested waste tire;

d. the maximum allowable transportation cost per waste tire shall not exceed \$.50 per tire transported; and

e. the number of waste tires processed during the month must meet or exceed the number of waste tires for which transportation reimbursement is requested.

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 the Secretary, LR 22:

William A. Kucharski
Secretary

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