



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Environmental Quality
VAC Chapter Number:	9 VAC Chapter 150
Regulation Title:	Waste Tire End User Reimbursement Regulation
Action Title:	
Date:	May 4, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

The Regulation establishes the operating parameters for DEQ's financial aid program which provides direct payment to "end users" of products made from recycled waste tires generated in Virginia.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

Section 10.1-1422.1 thru 10.1-1422.4 of the Code of Virginia (1989, 1993) directs DEQ to establish this reimbursement program. Also these regulations were specified in Section 10.1-1422.2.C. The revenue for these payments comes from a 50¢ tax on tires sold a retail, as specified in Section 58.1-641 of the Code, enacted in 1989. There are no Federal mandates dealing with waste tires so the requirement that these regulations not exceed federal or state minimum requirements is not applicable.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

The public comment period was February 26 thru March 19, 2001. No comments were received.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The specified and measurable goal of this regulation is in the amount in tons of waste tire material that is recycled due to the regulation and payment system. Recent results are:

<u>FY</u>	<u># Tires Recycled</u>	<u>Cost</u>
2000	8,377,500	\$1,911,681

This works out to 22.8¢ per tire, one of the lowest support levels in the U.S.

DEQ had determined that this program is essential to protect the public health, safety and welfare of the citizens due to numerous waste tire pile fires, the largest being the Rhinehart tire pile in Fredrick County near Winchester. That site was declared a SUPERFUND site at which millions of dollars has been spent to remediate the site. There have been 6 to 8 other fires at smaller piles around the state, which can still generate toxic by-products, which would require additional SUPERFUND funding. Eliminating these piles and creating recycling markets through the reimbursement system is the best way to permanently solving this problem.

This regulation should not impact the institution of the family and family stability. Also, DEQ believes that the regulation is clearly written and easily understandable.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Alternatives were not considered since the enabling legislation specified the exact use of the money and that regulations must be adopted. DEQ used a Technical Advisory Committee to develop regulations that are the most effective and least intrusive to the public sector, which enacts the majority of the actions covered by these regulations.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

DEQ recommends that this regulation should stay in effect without change. No changes were recommended during the public comment period and most users are very satisfied with the operation of this program under these regulations.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

As these regulations deal with the reimbursement of end users who recycle waste tires, DEQ concluded that there is no impact on the family or family stability.