

9VAC20-150-30. ~~Regulation~~ Regulations review.

This chapter will be reviewed every six months by the director to determine whether ~~they the~~ **regulations** should be continued, amended, or terminated based on the intent to enhance markets for waste tires, chips, or similar tire materials that is specified in the authorizing legislation.

9VAC20-150-40. End uses of waste tires eligible for reimbursement.

A. The following uses of waste tire materials will be eligible for the reimbursement if the use complies with applicable local ordinances and regulations and the Virginia Solid Waste Management Regulations, 9VAC20-80-10 et seq., or the equivalent regulations in another state.

The eligible uses are:

1. Civil engineering applications, which utilize waste tire materials as a substitute for soil, sand, or aggregate in a construction project such as land or surface applications, road bed base and embankments; fill material for construction projects; and daily cover **and other substitutions** at a permitted solid waste facility if the facility's permit is so modified;
2. Burning of waste tire materials for energy recovery;
3. Pyrolysis; and
4. Products made from waste tire materials such as molded rubber products, rubberized asphalt, **soil amendments, playground and horse arena surfacing materials, mulches, mats, sealers, etc.**

B. Uses that are not eligible for reimbursement include:

1. Reuse as a vehicle tire;
2. Retreading;
3. Burning without energy recovery; and
4. Landfilling, except use as ~~daily cover~~ specified in A.1. above

9VAC20-150-80. Maximum rate of reimbursement.

The maximum amount of the reimbursement for waste tires specified in ~~9VAC20-150-10~~ 9 VAC 20-150-100 A.1. shall be ~~\$30~~ \$22.50. ~~per ton through March 31, 1996, and \$22.50 per ton beginning on April 1, 1996.~~ The maximum amount of the reimbursement for waste tires specified in ~~9VAC20-150-10~~ 9 VAC 20-150-100 A.2. and A.3. shall be ~~\$30~~ \$50 per ton, increasing to \$75 per ton beginning October 25, 2002 and \$100 per ton beginning July 1, 2003, subject to Available Funding ~~and \$50 per ton beginning on April 1, 1996.~~

9VAC20-150-100. Qualification as Virginia generated waste tires.

A. A Virginia generated waste tire is a waste tire that is:

1. Discarded as the result of a sale, trade, or exchange in Virginia;
2. From a Virginia tire pile that existed prior to December 20, 1994; or

3. From a Virginia tire pile that was created without the property owner's knowledge or permission.

B. Tires qualifying for subdivision A.2. or A.3. of this section must be certified as such through a field inspection conducted by the department using department form DEQ-~~WTC~~. CERT. 12/97.

C. Before removal of any tires from a site which meets the criteria of subdivision A.2. or A.3. of this section, a hazard prevention plan, prepared in accordance with department guidelines, must be fully implemented.

9VAC20-150-110. Documentation.

To be considered as Virginia generated waste tires eligible for reimbursement, the waste tires must be documented as such in a manner acceptable to the director. Acceptable documentation must provide at a minimum a certifying statement signed by the end user stating that the waste tires are Virginia generated in accordance with the requirements of 9VAC20-150-100. One type of acceptable documentation is form DEQ-WTC, completed in the following manner:

1. Completion of ~~Part I~~ Part 1 by the generator. The generator, who has the waste tires for disposal, must fill in all pertinent information in ~~Part I~~ Part 1 and sign the statement certifying that the waste tires are Virginia generated in accordance with the requirements of 9VAC20-150-100. When the generator is not known, the property owner is the generator.

9 VAC 20-150 WASTE TIRE END USER REIMBURSEMENT REGULATION

2. Completion of ~~Part II~~ Part 2 by the hauler if applicable. The hauler must fill in all pertinent information in ~~Part II~~ Part 2 and sign the statement certifying that he accepted the waste tire materials in the amounts indicated from the generator in ~~Part I~~ Part 1.

3. Completion of ~~Part III~~ Part 3 by the collector, if applicable. The collector must fill in all pertinent information in ~~Part III~~ Part 3 and sign the statement certifying that he accepted the waste tire materials in the amounts indicated from the hauler or generator as applicable.

4. Completion of ~~Part IV~~ Part 4 by the processor. The processor must fill in all pertinent information and sign the statement certifying that he accepted the waste tire materials in the amounts indicated ~~in Part II from the hauler or Part III from the collector~~ from a generator, hauler and/or collector, as applicable.

9VAC20-150-130. Review of application.

- A. The director shall review the reimbursement application form, DEQ-EURR, for completeness and eligibility within three working days of receipt.

- B. If an application is not complete as required in 9VAC20-150-120 D, the director may require the applicant to submit the missing information. The director may delay reimbursement until the information is received.

- C. The director will process for payment all applications for reimbursement that are complete and in compliance with the regulations up to the amount of available funds. The complete applications will be processed in the order received and until available funds are exhausted.
~~Complete applications will be reviewed and acted on within three working days.~~ When available

9 VAC 20-150 WASTE TIRE END USER REIMBURSEMENT REGULATION

funds for a given fiscal year are exhausted, all remaining eligible applications will be held and paid first in the following fiscal year.

D. When an applicant believes an error has been made in the review of or response to his application, he shall notify the director in writing within 30 days of receiving the director's response. The notice shall contain a copy of the application and the director's response, a brief statement describing the believed error, and copies of any documents supporting the statement.

The director shall review the notice and attached documents and may further investigate the matter. The director shall advise the applicant in writing in due course of his response to the applicant's notice of error.

If the director concludes that an error has been made, he shall reinstate the application and act on it. If the available funds are exhausted, and would not have been had the director acted correctly on the application originally, the reinstated application shall be carried over to the next year and paid from available funds.

CERTIFIED TRUE AND ACCURATE: _____
Robert G. Burnley, Director, DEQ

Date: _____