



Virginia  
Regulatory  
Town Hall

## Exempt Action Final Regulation Agency Background Document

<b>Agency Name:</b>	Department of Environmental Quality
<b>VAC Chapter Number:</b>	9 VAC 20-150-10 et seq.
<b>Regulation Title:</b>	Waste Tire End User Reimbursement Regulations
<b>Action Title:</b>	Final Adoption
<b>Date:</b>	October 25, 2002

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 et seq. of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 et seq. of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

**Note agency actions exempt pursuant to § 9-6.14:4.1(B)** do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

### Summary

*Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

These Regulations set the administrative, technical and financial aspects of the End User reimbursement Program operated by DEQ. Direct payments ("reimbursements") are made by DEQ to end users of Virginia-generated waste tire material for uses such as civil engineering, energy recovery and recycled products. The current reimbursement rates (since 1995) are up to

\$22.50 per ton for “current flow” tires (daily generation by tire dealers, etc.) and up to \$50.00 per ton for tires from tire piles.

Since pile clean ups have slowed considerably since FY 1999, DEQ requested that the Waste Board increase the tire pile rate up to \$75.00 per ton, subject to Available Funding, to renew interest by clean up contractors. There were several other clerical and administrative changes proposed. A Technical Advisory Committee (TAC) endorsed the entire proposal at its September 17, 2002 meeting. Public comments also endorsed the changes.

The promulgation or changes to these Regulations are not subject to the Administrative Processed Act since it is a “grant of state or federal funds or property (Section 9.6-14:4.1.B.4 of the Code of Virginia). Accordingly, the Waste Management Board may change this regulation at any time and without public comment. However, DEQ did establish a TAC which met on two occasions, sought public input through two mailings to an interested parties list and published a notice in the June 17, 2002 Virginia Register. All comments were considered.

### Statement of Final Agency Action

*Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.*

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By vote at its October 25, 2002 meeting, the Virginia Waste Management Board approved changes to 9 VAC 20-150-10 et seq. A copy of the Regulations, with changes noted by underlines and strike-throughs, is attached

### Family Impact Statement

*Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

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Since these Regulations deal with the reimbursement of end users who recycle waste tire, DEQ concluded that there would be no impact on the family or family stability.