

Chapter NR 555

WASTE TIRE REMOVAL AND RECOVERY

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Note: Chapter NR 555 was created as an emergency rule effective December 19, 1988 and March 9, 1990.

Subchapter I - General

NR 555.01 Purpose. The purpose of this chapter is to establish the plan for the use of funds to implement a waste tire removal and recovery program required under s. 144.798 (2), Stats.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

NR 555.02 Applicability. This chapter establishes the structure which the department will follow to implement a waste tire removal and recovery program. Included in this chapter are:

(1) The amount of monies set aside for waste tire stockpile cleanup, reimbursement grants, and waste tire management or recovery grants.

(2) The eligible uses, eligibility, application procedure, reimbursement rate and the processing and approval of grant applications to reimburse people who beneficially use waste tires.

(3) The priorities and procedures the department will follow to use funds to clean up existing waste tire stockpiles including guidelines to seek cost recovery.

(4) The eligible uses, eligibility, application procedure, grant fund limitations, and processing and approval of applications to obtain grants for waste tire management or recovery activities.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

NR 555.03 Definitions. The following definitions apply to this chapter:

(1) "Crumb" means tire chips no greater than ¼ inch in any dimension that have been processed to remove steel or other material existing in waste tires.

(2) "Department" means the department of natural resources.

(3) "End user" means the person who utilizes the heat content or other form of energy from the incineration, combustion or pyrolysis of waste tires or the last person who uses the tires, chips, crumb or similar materials to make a product with economic value. If the waste tire is processed by more than one person in becoming a product, the "end user" is the last person to use the tire as a tire, tire chips, crumb or similar materials.

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End user does not include a person who produces tire chips or similar materials and gives or sells them to another person to use.

(4) "Nuisance" has the meaning specified in s. 144.449 (1) (a), Stats.

(5) "Nuisance abatement activity" means the procedures specified in s. 144.449 (2), Stats.

(6) "Pyrolysis" means the subjecting of organic compounds to very high temperatures and the resulting decomposition.

(7) "Recovery activity" has the meaning specified in s. 144.798 (1) (a), Stats.

(8) "Tire buffings" means small pieces of a tire which have been mechanically removed prior to retreading.

(9) "Tire dump" has the meaning specified in s. 144.449 (1) (b), Stats.

(10) "Waste tire" has the meaning specified in s. 84.076, Stats.

(11) "Waste tire management or recovery grant" means a grant paid under subch. IV.

(12) "Waste tire reimbursement grant" means a grant paid under subch. III.

(13) "Waste tire stockpile cleanup" means an activity designed to clean up a nuisance tire dump under the authority specified in s. 144.449, Stats.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

NR 555.04 Expenditure plan. (1) **EXPENDITURE.** In order to implement the waste tire removal and recovery program, the department intends to expend funds set aside in s. 20.370 (2) (dj), Stats., on an annual basis, in the following manner:

Note: Based upon estimates of new vehicle registration supplied by the department of transportation the annual amount of money collected from the \$2 per tire fee specified in s. 342.14 (1m), Stats., is estimated to be approximately \$3.3 million dollars annually. Approximately \$2 million has been set aside by the legislature in s. 20.370 (2) (dL), Stats., to administer the waste tire program. The remaining funds will be used to clean up existing stockpiles, provide reimbursement grants, and waste tire management or recovery grants.

(a) *Waste tire stockpile cleanup.* Approximately \$2.1 million shall be used to contract for the cleanup of waste tire stockpiles following those procedures identified in subch. II.

(b) *Waste tire reimbursement grants.* Approximately \$.75 million shall be used to provide grants to end users of waste tires under subch. III.

(c) *Waste tire management or recovery grants.* Approximately \$.25 million shall be used to provide grants for waste tire management and innovative waste tire recovery activities under subch. IV.

(2) **ALLOCATION OF ANNUAL EXPENDITURES.** (a) If annual revenues are less than \$3.1 million, the department shall allocate funds according to the following priority:

1. Waste tire stockpile cleanup;
2. Waste tire reimbursement grants;

(a) Documentation that the applicant is an eligible end user of waste tires.

(b) A description of the proposed use of the waste tires.

(c) A description of the proposed source of the waste tires, including the procedures that the applicant will use to insure that at least 95% of the waste tires will have been generated in Wisconsin.

(d) An estimate of the total number of pounds of waste tires to be used in the calendar year, including the procedures that the applicant will use to document the total number of pounds used.

(e) Other information requested by the department to establish eligibility.

(3) **APPROVAL PROCEDURES.** (a) Within 30 days of the receipt of an application for advance certification the department may request any additional information needed to complete the application. An application is not complete until the additional information requested by the department has been received.

(b) Before an advance certification is issued the applicant shall establish to the department's satisfaction that:

1. The applicant is an eligible end user as defined in s. NR 555.03.

2. The use being proposed is an eligible use under s. NR 555.10.

3. The applicant will be able to document that at least 95% of the waste tires used were generated in Wisconsin.

4. The applicant will be able to document the number of pounds of waste tires to be used.

(c) If the department determines that the applicant for advance certification is eligible, it shall issue an advance certification within 60 days of receipt of a complete application.

(d) To ensure that a use continues to be eligible for reimbursement, the department may require an applicant who has received advance certification to resubmit an application for advance certification during the calendar year.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.

NR 555.12 Request for reimbursement. (1) **GENERAL REQUIREMENTS.** No request for reimbursement may be approved unless the applicant has received an advance certification from the department under s. NR 555.11. A request for reimbursement shall be submitted to the department by March 1 of the calendar year following the calendar year in which the tires were used.

(2) **CONTENTS.** A request for reimbursement shall be made on forms provided by the department and shall contain the following:

Note: Forms to request reimbursement may be obtained, at no charge, from the Bureau of Solid and Hazardous Waste Management, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

(a) Documentation acceptable to the department of the net pounds of waste tires used in the quantity of product sold, purchased or used.

1. For tire-derived fuel, receipts showing tons of tire-derived fuel purchased or used.
2. For incineration of whole tires producing process heat, steam or electricity, records showing net tons of waste tires combusted.
3. For pyrolysis plants producing electricity or process heat or steam, billings showing sales of kilowatt hours or tons of steam produced by the tire pyrolysis, calculations certified by a professional engineer showing how many net pounds of waste tires were required to generate that amount of energy, and receipts or bills of lading for the number of waste tires actually used to produce the energy.
4. For pyrolysis technologies producing combustible hydrocarbons and other salable products, billings to customers showing amounts of pyrolysis derived products sold in gallons, pounds, or other appropriate units with calculations certified by a professional engineer showing the number of net pounds of waste tires including embedded energy, used to produce those products.
5. For end users of tire strips, chunks, rubber chips, crumb and the like in the manufacture of another product, billings to purchasers for the product sold, showing net pounds of waste tires used to manufacture the amount of product sold.
6. For end users of tire chips in rubberized asphalt, or as road bed material, driveway cover and other highway improvements, billings or receipts showing the net pounds of waste tires used.

(b) Provide any other information required by the department necessary to determine whether the proposed use is in accordance with departmental rules.

(2) PROCESSING AND APPROVAL. (a) Within 30 days of the receipt of a request for reimbursement the department may require that additional information be supplied by the applicant to complete the request. The request for reimbursement is not complete until the additional information has been received by the department.

(b) By July 1 each year the department shall calculate the total dollar amount of eligible reimbursement requested at \$.01 per pound and shall make payment in that amount to the applicant to the extent that funds are available for that purpose as specified in s. NR 555.04 (2) (c).

(c) *Audit.* An applicant for a reimbursement for use of waste tires, tire chips or similar materials is subject to audit by the department and shall allow the department access to all records during normal business hours for the purpose of determining compliance with these rules for a period of 3 years following final payment.

History: Cr. Register, May, 1990, No. 413, eff. 6-1-90.