

1 Pollution Control Agency

2

3 Adopted Emergency Rules Relating to Waste Tire Dump Abatement

4

5 Rules as Adopted, Emergency

6 7035.8000 [Emergency] SCOPE.

7 Parts 7035.8000 to 7035.8160 [Emergency] govern the  
8 abatement of waste tire dumps. A tire collector who owns or  
9 operates a tire dump is subject to agency abatement action under  
10 parts 7035.8000 to 7035.8160 [Emergency].

11 7035.8010 [Emergency] DEFINITIONS.

12 Subpart 1. Applicability. For the purposes of parts  
13 7035.8000 to 7035.8160 [Emergency], the following definitions  
14 apply.

15 Subp. 2. Abate or abatement. "Abate" or "abatement" means  
16 the processing and removing of waste tires in an agency-accepted  
17 manner.

18 Subp. 3. Agency. "Agency" means the Minnesota Pollution  
19 Control Agency.

20 Subp. 4. Director. "Director" means the executive  
21 director of the Minnesota Pollution Control Agency.

22 Subp. 5. 100-year flood. "100-year flood" means a flood  
23 that has a one percent chance of being equaled or exceeded in  
24 any given year.

25 Subp. 6. 100-year floodplain. "100-year floodplain" means  
26 any land area that is subject to a one percent or greater chance  
27 of flooding in any given year from any source.

28 Subp. 7. Operator. "Operator" means any person  
29 responsible for the overall operation of the tire dump.

30 Subp. 8. Owner. "Owner" means any person who owns a tire  
31 dump, part of a tire dump, or the land on which the tire dump is  
32 located.

33 Subp. 9. Person. "Person" has the meaning given in  
34 Minnesota Statutes, section 116.06, subdivision 8.

35 Subp. 10. Processing. "Processing" has the meaning given

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1 in Minnesota Statutes, section 115A.90, subdivision 6.

2 Subp. 11. Ravine. "Ravine" means any manmade or naturally  
3 occurring depression in the land area capable of allowing water  
4 to flow at or above the surface of the land.

5 Subp. 12. Shoreland. "Shoreland" means land located  
6 within the following distances from the ordinary high water  
7 elevation of public waters:

8 A. land within 1,000 feet from the normal high water  
9 mark of a lake, pond, or flowage; and

10 B. land within 300 feet of a river or stream or the  
11 landward side of a floodplain delineated by ordinance on such a  
12 river or stream, whichever is greater.

13 Subp. 13. Sinkhole. "Sinkhole" means a closed depression  
14 in an area of karst topography that is formed either by solution  
15 of surficial limestone or by collapse of underlying caves.

16 Subp. 14. Tire. "Tire" has the meaning given in Minnesota  
17 Statutes, section 115A.90, subdivision 7.

18 Subp. 15. Tire collector. "Tire collector" has the  
19 meaning given in Minnesota Statutes, section 115A.90,  
20 subdivision 8.

21 Subp. 16. Tire dump. "Tire dump" has the meaning given in  
22 Minnesota Statutes, section 115A.90, subdivision 9.

23 Subp. 17. Waste tire. "Waste tire" has the meaning given  
24 in Minnesota Statutes, section 115A.90, subdivision 11.

25 Subp. 18. Waste tire chip. "Waste tire chip" means a  
26 small piece of a waste tire produced as a result of volume  
27 reduction techniques.

28 Subp. 19. Wetland. "Wetland" means any land area that can  
29 be classified as a wetland according to the publication,  
30 Classification of Wetlands and Deep Water Habitats of the United  
31 States. This publication was prepared by Lewis M. Cowardin,  
32 Virginia Carter, Francis C. Golet, and Edward T. LaRoe for the  
33 United States Department of the Interior, Fish and Wildlife  
34 Service, Washington, D.C., Government Printing Office, 1979 and  
35 is incorporated by reference. It is not subject to frequent  
36 change.

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1 7035.8020 [Emergency] AVAILABILITY OF REFERENCES.

2 The documents referred to in parts 7035.8000 to 7035.8160  
3 [Emergency] may be obtained by contacting the appropriate  
4 offices as listed below.

5 A. Classification of Wetlands and Deep Water Habitats  
6 of the United States, 1979, issued by the United States  
7 Department of the Interior, Fish and Wildlife Service,  
8 Washington, D.C. 20402, is available at the Minnesota State  
9 Government Law Library, Ford Building, 117 University Avenue,  
10 Saint Paul, Minnesota.

11 B. The Standard for Storage of Rubber Tires, NFPA  
12 231D-1980 edition, adopted by the National Fire Protection  
13 Association, San Diego, California, is available at the  
14 Minnesota State Government Law Library, Ford Building, 117  
15 University Avenue, Saint Paul, Minnesota; the Office of Public  
16 Safety, Fire Marshal Division; or any local fire department.

17 7035.8030 [Emergency] NOTIFICATION OF TIRE DUMP.

18 Within 60 days of the effective date of parts 7035.8000 to  
19 7035.8160 [Emergency], a tire collector who owns or operates a  
20 tire dump must submit a written notification to the director.  
21 The notification must contain:

22 A. the address of the tire dump;

23 B. the name, address, and telephone number of the  
24 owner of the tire dump for which the notification is submitted;

25 C. if the operator of the tire dump for which the  
26 notification is submitted is different from the owner, the name,  
27 address, and telephone number of the operator;

28 D. an estimation of the number of tires currently  
29 located at the tire dump; and

30 E. a general description of the tire dump, including  
31 a topographic map or other map if a topographic map is  
32 unavailable. The map must show the tire dump and the area  
33 surrounding the tire dump for a distance of at least one-half  
34 mile in all directions of the tire dump, and all structures that  
35 are located in this area.

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1 7035.8040 [Emergency] REQUEST FOR ABATEMENT ACTION.

2 Subpart 1. Issuance of request for abatement action. If a  
3 tire collector is subject to agency abatement action pursuant to  
4 part 7035.8000 [Emergency], the agency may issue a request for  
5 abatement action to the tire collector responsible for the tire  
6 dump. The agency's decision whether to issue a request for  
7 abatement action shall be based upon the priorities established  
8 under subpart 2, the availability of waste tire collection  
9 funds, and the agency's administrative ability to take action.

10 Subp. 2. Priorities for issuing a request for abatement  
11 action. The agency shall issue requests for abatement action  
12 based on the criteria established in Minnesota Statutes, section  
13 115A.912, subdivision 2. The agency shall issue requests for  
14 abatement action in the following order of priority:

15 A. First priority; the agency shall issue requests  
16 for abatement action to tire dumps with over one million tires.  
17 Tire dumps with over one million tires shall be ranked based on  
18 the criteria established in items B and C.

19 B. Second priority; the agency shall issue requests  
20 for abatement action to tire dumps posing fire hazards. For the  
21 purpose of ranking fire hazards at tire dumps, the agency shall  
22 consider the number of tires located at a tire dump as  
23 determined by the director, the size of the population affected,  
24 which includes the proximity and density of the population in  
25 relation to the tire dump, and the threat to natural resources.

26 C. Third priority; the agency shall issue requests  
27 for abatement action to tire dumps in densely populated areas.  
28 For the purpose of ranking these tire dumps, the agency shall  
29 consider the number of tires located at a tire dump as  
30 determined by the director, and the size of the population  
31 affected, which includes the proximity and density of the  
32 population in relation to the tire dump.

33 D. Fourth priority; the agency shall issue requests  
34 for abatement action to tire dumps that are not item A, B, or C  
35 priorities. For the purpose of ranking these tire dumps, the  
36 agency shall take into consideration the number of tires located

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1 at a site as determined by the director and the size of the  
2 population affected which includes the proximity and density of  
3 the population in relation to the tire dump.

4 7035.8050 [Emergency] CONTENTS OF REQUEST FOR ABATEMENT ACTION.

5 Subpart 1. Contents. A request for abatement action shall  
6 be in writing, shall specify the action that must be taken,  
7 shall state the reasons for requesting the action, shall specify  
8 a time frame within which to respond to the request, and shall  
9 state the intention of the agency to take action if the  
10 requested action is not taken within the specified time.

11 Subp. 2. Request. The request for abatement action will  
12 request the tire collector responsible for the tire dump to  
13 pursue either option specified in items A and B within the  
14 specified time. Item A (option A) shall be an acceptable option  
15 only for tire dumps existing on the effective date of parts  
16 7035.8000 to 7035.8160 and only for tire collectors who have  
17 notified the director in accordance with part 7035.8030  
18 [Emergency].

19 A. The tire collector must voluntarily surrender to  
20 the agency all of the waste tires that constitute the tire dump  
21 by signing an agreement with the agency, in which case the  
22 agency will provide for the processing and removal of the waste  
23 tires; or

24 B. The tire collector must submit an abatement plan  
25 to the director within the time specified in the request for  
26 abatement action stating a proposal for cleaning up the tire  
27 dump. In the plan, the tire collector shall:

28 (1) specify the manner proposed for cleaning up  
29 the tire dump, including:

30 (a) an explanation of all of the processing  
31 techniques proposed to be used to clean up the tire dump; and

32 (b) a description of the equipment proposed  
33 to be used to clean up the tire dump and the manner in which  
34 each piece of equipment will be used;

35 (2) provide for compliance with the technical  
36 standards specified in parts 7035.8090 to 7035.8150 [Emergency]

1 and describe how compliance with these standards will be  
2 achieved; and

3 (3) propose an incremental time frame for the  
4 removal of all waste tires constituting the tire dump with the  
5 proposed date of completion of the cleanup not to exceed five  
6 years past the date the cleanup is proposed to begin. The tire  
7 collector shall indicate the work to be completed during each  
8 time increment.

9 7035.8060 [Emergency] RESPONSE TO A REQUEST FOR ABATEMENT ACTION.

10 A response by a tire collector to a request for abatement  
11 action must be incorporated into a stipulation agreement signed  
12 by the tire collector and the agency before it will be  
13 considered an adequate response.

14 7035.8070 [Emergency] INADEQUATE RESPONSE TO A REQUEST FOR  
15 ABATEMENT ACTION.

16 If after a tire collector has been issued a request for  
17 abatement action the agency determines that the tire collector  
18 has failed to take the requested action within the time  
19 specified, the agency may make a determination of inadequate  
20 response. The following items constitute justification for the  
21 agency to make a determination of inadequate response:

22 A. the tire collector has not responded to the  
23 request for abatement action within the specified time period;

24 B. the tire collector submits a response which fails  
25 to meet the requirements specified in the request for abatement  
26 action;

27 C. the tire collector has failed to sign a  
28 stipulation agreement incorporating the response; or

29 D. the tire collector is in violation of, or in  
30 noncompliance with, any of the provisions of the stipulation  
31 agreement.

32 7035.8080 [Emergency] TIRE DUMP ABATEMENT ORDER.

33 When the agency makes a determination of inadequate  
34 response or revokes without reissuance an agency waste tire  
35 facility permit, the agency may issue a tire dump abatement

1 order to the responsible tire collector. A tire dump abatement  
2 order may provide for entering the property where the tire dump  
3 is located, taking tires into public custody, and arranging for  
4 their processing and removal.

5 7035.8090 [Emergency] STANDARDS.

6 Parts 7035.8090 to 7035.8140 [Emergency] are standards and  
7 provisions which govern the storage, operational, and reporting  
8 requirements a tire collector must comply with during abatement.

9 7035.8100 [Emergency] INDOOR STORAGE STANDARDS.

10 The Standard for Storage of Rubber Tires, NFPA 231D-1980  
11 edition, governs the indoor storage of tires and is incorporated  
12 by reference into parts 7035.8090 to 7035.8140 [Emergency].  
13 This standard was prepared by the Technical Committee on Storage  
14 of Rubber Tires and adopted by the National Fire Protection  
15 Association on November 18, 1980, in San Diego, California. It  
16 was released for publication by the Standards Council on  
17 December 18, 1980, and is not subject to frequent change.

18 7035.8110 [Emergency] REQUIRED STANDARDS DURING ABATEMENT.

19 Subpart 1. Location standards during the first time  
20 increment. During the first increment of an abatement plan, the  
21 tire collector must provide for the removal of all waste tires  
22 from the following areas:

- 23 A. floodplains;
- 24 B. wetlands;
- 25 C. shorelands; and
- 26 D. sinkholes and ravines.

27 Subp. 2. Fire hazard standards during the first time  
28 increment. During the first increment of an abatement plan, the  
29 tire collector shall reduce fire hazards at the tire dump by:

30 A. complying with the standards referenced in part  
31 7035.8100 [Emergency], if the tire dump is located indoors; and

32 B. constructing fire lanes at tire dumps located  
33 outdoors in such a manner that each individual waste tire  
34 stockpile:

35 (1) has an area not greater than 10,000 square

1 feet;

2 (2) has a vertical height not greater than 20  
3 feet; and

4 (3) has a minimum 50-foot fire lane between the  
5 stockpiles free of rubbish, equipment, and other materials at  
6 all times.

7 Subp. 3. Additional required standards during abatement.

8 Any tire collector abating a tire dump must operate and maintain  
9 the tire dump in conformance with items A to E unless otherwise  
10 allowed by the agency.

11 A. ~~No material other than~~ Only waste tires, which  
12 ~~includes~~ include waste tire chips, may be stored in the  
13 designated tire dump area.

14 B. Open burning is prohibited as required in parts  
15 7005.0700 to 7005.0750.

16 C. Tires, which include waste tire chips, must not be  
17 deposited in and must be prevented from entering surface or  
18 ground waters.

19 D. Communication facilities must be provided for  
20 emergency purposes.

21 E. Equipment must be provided and kept at the tire  
22 dump to control accidental fires, and arrangements must be made  
23 with the local fire protection agency to immediately acquire  
24 their services when needed.

25 7035.8120 [Emergency] CONSIDERATIONS DURING ABATEMENT.

26 Any tire collector abating a tire dump must comply with the  
27 following:

28 A. surface water drainage must be diverted around and  
29 away from the tire dump;

30 B. adequate equipment must be available for abatement  
31 of the tire dump in accordance with the abatement plan;

32 C. the approach road to the tire dump and the access  
33 road within the tire dump must be of all-weather construction  
34 and maintained in good condition so that they will be passable  
35 at all times for any vehicle using the roads;

36 D. the tire dump must be free of unwanted vegetation



1 and other growth at all times; and

2 E. access to the tire dump must be controlled to  
3 prevent unauthorized use. A gate must be provided at the  
4 entrance to the tire dump and kept locked when an attendant is  
5 not on duty.

6 7035.8130 [Emergency] EMERGENCY PROCEDURES AND CONTINGENCY PLAN.

7 Subpart 1. Emergency procedures and contingency plan  
8 manual. The owner or operator of the tire dump must prepare and  
9 maintain a manual outlining the procedures and contingency plan  
10 that will be followed by the owner or operator in the event of  
11 an emergency at the tire dump. The emergency procedures and  
12 contingency plan must contain the provisions outlined in  
13 subparts 2 and 3.

14 Subp. 2. Emergency procedures. The manual must contain:

15 A. a list of names and telephone numbers of local  
16 fire and police departments to contact;

17 B. a list of the equipment available at the site such  
18 as fire extinguishers, communication and alarm systems, and a  
19 brief description as to when and how the equipment is to be used;

20 C. the procedures to be followed during the  
21 emergency, including measures that will be taken by the owner or  
22 operator to ensure that fires do not spread in the event of a  
23 fire;

24 D. a description of prior arrangements made with  
25 local police and fire departments; and

26 E. the locations of known water supplies.

27 Subp. 3. Contingency plan. The manual must contain a  
28 contingency plan to address the problem of oily run-off  
29 collection and storage in case of fire, including:

30 A. how and where the run-off will be confined and  
31 collected;

32 B. where the run-off will be stored;

33 C. what will be done with the run-off;

34 D. the equipment to implement the contingency plan;

35 and

36 E. any prior arrangements with police and fire

1 departments.

2 Subp. 4. Implementation of emergency procedures and  
3 contingency plan. The provisions of the manual must be carried  
4 out immediately when necessary to minimize the adverse effects  
5 of fires.

6 Subp. 5. Notification. The owner or operator of the tire  
7 dump must immediately notify the director in the event of a fire  
8 at the tire dump.

9 Subp. 6. Report. The owner or operator of the tire dump  
10 shall submit to the agency within two weeks of an emergency a  
11 report discussing the type of emergency and the procedures  
12 followed to minimize potential hazards to human health and the  
13 environment.

14 Subp. 7. Amendment of manual. The manual must be  
15 reviewed, and immediately amended if necessary, whenever:

16 A. the emergency procedures and contingency plan  
17 fail; or

18 B. the tire dump changes in its design, construction,  
19 operation, or maintenance, and such changes require revised  
20 emergency procedures.

21 Subp. 8. Copies of emergency procedures and contingency  
22 plan manual. A copy of the manual and all amendments to the  
23 manual must be:

24 A. maintained at the tire dump; and

25 B. submitted to the director with the abatement plan,  
26 pursuant to part 7035.8050 [Emergency], subpart 2, item B, and  
27 after modification or approval, will become a condition of any  
28 approved abatement plan.

29 7035.8140 [Emergency] OPERATIONAL RECORD.

30 Subpart 1. Record information. The following information  
31 must be recorded and maintained in the operating record of the  
32 tire dump by the owner or operator:

33 A. the approximate amount and type of waste tires  
34 currently in stockpiles at the tire dump, and the approximate  
35 tonnage of tire chips currently in stockpiles at the tire dump;

36 B. the approximate amount of tires coming in and

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1 shipped from the tire dump during the past time increment and  
 2 the form in which the tires were shipped; if the tires shipped  
 3 from the tire dump are in the form of tire chips, the number of  
 4 tons shipped from the tire dump during the past time increment;

5 C. the destination of waste tires or tire-derived  
 6 materials shipped from the tire dump, the projected date for  
 7 shipping, and the quantity shipped;

8 D. a description of tire handling techniques,  
 9 including any equipment used at the tire dump; and

10 E. summary reports and details of all incidents that  
 11 required implementing the emergency procedures and contingency  
 12 plan as specified in part 7035.8130 [Emergency], subpart 4.

13 Subp. 2. Incremental report. Upon completion of each time  
 14 increment in the approved abatement plan incorporated into the  
 15 stipulation agreement pursuant to part 7035.8060 [Emergency],  
 16 the owner or operator must prepare and submit to the director  
 17 within 30 days a single copy of the operational record for the  
 18 preceding time increment. The report must contain:

19 A. the information required by subpart 1;

20 B. the dates covered by the report; and

21 C. the name of the tire collector and the address of  
 22 the tire dump.

23 7035.8150 [Emergency] CERTIFICATION OF COMPLETION.

24 Upon completion of the cleanup in accordance with the  
 25 contents of the stipulation agreement, the tire collector must  
 26 submit a certification to the agency signed by the tire  
 27 collector indicating that the cleanup of the tire dump is  
 28 completed. Upon receiving the certification, the director shall  
 29 inspect the area to ensure that the cleanup has been completed.

30 7035.8160 [Emergency] REIMBURSEMENT.

31 Subpart 1. Criteria. The agency shall reimburse a tire  
 32 collector for abatement action only if all of the following  
 33 criteria are met:

34 A. the tire collector was issued a request for  
 35 abatement action by the agency and chose to abate the tire dump

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1 by pursuing item B (option B) of part 7035.8050 [Emergency],  
2 subpart 2;

3 B. the response by a tire collector to a request for  
4 abatement action was incorporated into a stipulation agreement  
5 pursuant to part 7035.8060 [Emergency];

6 C. the tire dump for which reimbursement is sought  
7 was existing on the effective date of parts 7035.8000 to  
8 7035.8160 [Emergency], and the tire collector notified the  
9 director in accordance with part 7035.8030 [Emergency]; and

10 D. the owner or operator is in compliance with the  
11 abatement plan incorporated into the stipulation agreement  
12 pursuant to part 7035.8060 [Emergency].

13 Subp. 2. Waste tires eligible for reimbursement. The  
14 agency shall reimburse tire collectors meeting the criteria  
15 established in subpart 1 for each ton of waste tires abated  
16 meeting all of the following criteria:

17 A. the waste tires in each ton must be taken from the  
18 tire dump for which the request for abatement action was issued;

19 B. the waste tires in each ton must be processed as  
20 defined in Minnesota Statutes, section 115A.90, subdivision 6;  
21 and

22 C. the usable materials produced after processing,  
23 pursuant to item B, must be given or sold to a market utilizing  
24 the materials in a manner acceptable to the agency.

25 Subp. 3. Reimbursement rate. For a tire collector seeking  
26 reimbursement, the agency shall establish a reimbursement rate  
27 of up to \$10 for each ton of waste tires abated meeting the  
28 criteria established in subpart 2. The reimbursement rate will  
29 be established based on the costs to be incurred by the tire  
30 collector for processing tires at the tire dump minus the  
31 revenues to be received by the tire collector for tire-derived  
32 materials. The reimbursement rate shall be incorporated into  
33 the stipulation agreement established in part 7035.8060  
34 [Emergency]. This reimbursement rate may be revised by amending  
35 the stipulation agreement. Such revisions shall be based on the  
36 information submitted pursuant to subparts 7 and 8 and the

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1 actual reimbursement rates established pursuant to subpart 9.

2 Subp. 4. End-use consideration. A tire collector seeking  
3 reimbursement shall abate the tire dump by choosing a processing  
4 technique which provides for the best end-use of the waste tires  
5 available. In the abatement plan submitted pursuant to part  
6 7035.8050 [Emergency], subpart 2, item B, a tire collector  
7 seeking reimbursement shall specify and discuss the reasons for  
8 choosing the proposed processing technique for cleaning up the  
9 tire dump and the consideration the tire collector will give to  
10 processing techniques that promote a better end-use for the  
11 waste tires, such as recapping.

12 Subp. 5. Cost and revenue analysis. In the abatement plan  
13 submitted pursuant to part 7035.8050 [Emergency], subpart 2,  
14 item B, a tire collector seeking reimbursement shall analyze the  
15 costs inherent to the processing techniques proposed to be used  
16 to clean up the tire dump and the revenues from the tire derived  
17 materials produced as a result of the proposed processing  
18 techniques.

19 Subp. 6. Total amount of money available. Before a tire  
20 collector commences cleanup of the tire dump, the director shall  
21 determine the total amount of money available for all  
22 reimbursement requests submitted during the cleanup of the tire  
23 dump. For the purpose of determining the total amount of money  
24 available for all reimbursement requests submitted during the  
25 cleanup of the tire dump, the director shall consider the  
26 tonnage of waste tires located at the tire dump as determined by  
27 the director and the reimbursement rate established in subpart  
28 3, and the availability of waste tire abatement funds. The  
29 total amount of money available for reimbursement shall be  
30 incorporated into the stipulation agreement established pursuant  
31 to part 7035.8060 [Emergency].

32 Subp. 7. Submittal and contents of reimbursement request.  
33 Requests for reimbursement shall be included with the  
34 incremental report submitted to the director pursuant to part  
35 7035.8140 [Emergency], subpart 3. A reimbursement request shall  
36 contain the following information:

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1           A. the name of the tire collector and the address of  
2 the tire dump;

3           B. the dates covered by the reimbursement request;

4           C. documentation specifying the tonnage of tires  
5 processed at the tire dump over the past time increment;

6           D. documentation specifying the total cost to process  
7 the amount claimed in item C;

8           E. documentation specifying the amounts of  
9 tire-derived material shipped over the past time increment from  
10 the tire dump for which the request for abatement action was  
11 issued, and the form of the shipped tire-derived material;

12           F. the names and addresses of all markets utilizing  
13 the processed waste tires over the past time increment; the form  
14 of the processed waste tires and the amount supplied to each of  
15 the markets utilizing the processed waste tires; the amount of  
16 money received for the processed waste tires from each of the  
17 markets utilizing the processed waste tires; and any  
18 documentation supporting the claims of this item;

19           G. the amount of money the tire collector is  
20 requesting for reimbursement, specifying the data on which this  
21 amount is based;

22           H. documentation specifying the tonnage of tires  
23 processed, but not originating from the tire dump over the past  
24 time increment; and

25           I. any other documentation or data that may support  
26 the information submitted in items A to H.

27       Subp. 8. **Additional information.** If the director  
28 determines that the information submitted pursuant to subpart 7  
29 is not sufficient to determine actual costs, actual revenues,  
30 and an amount to be reimbursed pursuant to subpart 9, then the  
31 director shall request additional information of the tire  
32 collector.

33       Subp. 9. **Amount to be reimbursed.** The director shall  
34 determine the total amount to be reimbursed to a tire collector  
35 for reimbursement requests submitted pursuant to subpart 7. The  
36 director will determine the amount to be reimbursed based on the

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1 actual costs incurred by the tire collector for processing waste  
2 tires from the tire dump, the actual revenues received by the  
3 tire collector for tire-derived materials, and an actual  
4 reimbursement rate based on the actual costs and actual  
5 revenues. The director will determine the actual costs and  
6 actual revenues based on the information submitted pursuant to  
7 subparts 7 and 8. The actual reimbursement rate may be less  
8 than the reimbursement rate established or revised in subpart  
9 3. However, the actual reimbursement rate cannot exceed the  
10 reimbursement rate established or revised in subpart 3 by more  
11 than ten percent. In no event shall the actual reimbursement  
12 rate exceed \$10 per ton.

13 Subp. 10. Reimbursement. Based on the priorities  
14 established in Minnesota Statutes, section 115A.912, subdivision  
15 2, the availability of waste tire collection funds, and the  
16 director's determination of the total amount to be reimbursed  
17 pursuant to subpart 9, the agency shall partially reimburse the  
18 tire collector for the costs of abatement.

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