



Texas Commission on Environmental Quality

Application for

Land Reclamation Project Using Tires Registration

Additional information, documents, and drawings described in the checklist provided should be securely attached and labeled with the company/Land Reclamation Project Using Tires (LRPUT) name. Submit **one electronic copy** of the application to tires@tceq.texas.gov. Submit one **original** of the completed registration application by mail to: Business and Program Services Section, Scrap Tire Management Program, MC 126, TCEQ. P.O. Box 13087, Austin, TX 78711-3087. For additional information about scrap tire management requirements, please contact us by telephone at (512) 239-2335, or by e-mail at tires@tceq.texas.gov.

1. LRPUT Site Name (same as Regulated Entity Name on Core Data Form)

2. LRPUT Location and Address

Street Address

City, State Zip

Mailing Address

3. Contact Person for Application

Identify the person to be contacted about the application.

Name

Title

Phone Number

Email Address

4. Property Owner Information and Affidavit §328.66(a)(1) and §328.66(a)(8)

Identify the property owner where the LRPUT will be located. Applicants must submit a Property Owner Affidavit (TCEQ-10299L) signed by the owner of the property acknowledging notice of the type of business operating at the site. A template is provided in this document.

Property Owner Name

Street Address

City, State Zip

Phone Number

Email Address

5. Operator Contact Information and Affidavit §328.66(a)(9)

Identify the LRPOT Operator. Submit an Operator Affidavit (TCEQ-?) signed by the operator of the LRPOT certifying they are familiar with the commitments represented in the application, and they agree to operate in accordance with the appropriate rules, regulations and special provisions imposed by the executive director. A template is provided in this document.

Operator Name

Street Address

City, State Zip

Phone Number

Email Address

6. Professional Engineer Information and Statement §328.66 (a)(7)

Identify the professional engineer licensed to practice in Texas to be contacted about the LRPOT.

Name

Company

Phone Number

Email Address

Provide a statement signed and sealed by the engineer to certify that the LRPOT is designed in a manner that will comply with the standards listed in §328.66 (a)(7).

Engineer's statement is included as Attachment # ___ of this application.

7. Approximate Size of the Depression. §328.66 (a)(3)

What is the volume of tire pieces, or the equivalent number of whole tires, to be placed below ground?

What is the approximate size and depth of the depression?

8. Approximate Life of the LRPOT §328.66 (a)(4)

What is the approximate start date?

What is the approximate closure date?

9. Scrap Tire Processor Information §328.66(i)

A Scrap Tire Facility registration is required for LRPUTs that process scrap tires on site. Processing includes activities such as cutting, grinding, shredding, baling, crushing, and splitting.

Visit the Scrap Tire Facility website for requirements:

https://www.tceq.texas.gov/permitting/waste_permits/tires/tires-facilities

Yes, a Scrap Tire Facility Registration is required, and the application will be submitted separately.

No, a Scrap Tire Facility Registration is not required.

If the LRPUT does not intend to process scrap tires, what is the name and registration number for the scrap tire processor that will split, quarter, or shred the tires to be used in the LRPUT? All tires used to fill land must be split, quartered, or shredded. Whole tires can not be placed below ground.

10. Number of Tires and Storage Method §328.66 (j)

LRPUTs can store up to 500 whole used or scrap tires on the ground **or** 2,000 whole used or scrap tires in enclosed lockable containers. A LRPUT cannot store more than 2,000 used or scrap tires or 20 tons of tire pieces in total. Complete questions 10 and 11 about storage methods.

A storage site registration application is required for LRPUTs that intend to store more than 500 scrap tires or the equivalent in tire pieces on the ground or more than 2,000 scrap tires or the equivalent in tire pieces in an enclosed lockable container. Refer to the Scrap Tire Storage Site website for requirements.

<https://www.tceq.texas.gov/tires/tires-storage>

Yes, a Storage Site Registration is required, and the application will be submitted separately.

No, a Storage Site Registration is not required.

11. On the Ground Storage (outdoors) §328.66 (j)

How many whole used or scrap tires will be stored outdoors?

How many tons of tire pieces will be stored outdoors? One passenger tire equals 20 lbs. (Do not convert the number above)

12. Enclosed Storage (trailer(s), warehouse, etc.) §328.66 (j)

How many used or scrap tires will be stored in enclosed storage?

How many tons of tire pieces will be stored in enclosed storage? One passenger tire equals 20lbs. (Do not convert the number above)

13. Maps §328.66(a)(1)

Maps are included as attachment # _____ of this application.

Provide the following maps:

- A state highway map or United States Geological Survey (USGS) map (or similar map type) showing the general location on the site where fill activities will take place.
- Site Layout Plan including:
 - Location of where fill activities will take place
 - Site entrance, access roads, and fire lanes
 - Location of staging and storage areas
 - Location of buildings
 - Location and description of processing equipment (if applicable)

14. Demonstration of Seasonal High Groundwater §328.66(a)(6)

Provide a demonstration of the seasonal high groundwater level in the area.

Demonstration of seasonal high groundwater level is included as attachment # _____ of this application.

15. Site Operating Plan

Provide a site operating plan with specific instructions for the management and operation of the LRP.UT.

Site operating plan is included as attachment # _____ of this application.

The site operating plan must include:

- Legal description of the property §328.66(a)(1)
- Method of placement and comingling of tire shreds and inert fill §328.66(a)(5)
- The date excavation was completed §328.66(a)(8)(A)
- List of local ordinances (if applicable) §328.66(f)
- Confirmation that no tire pieces will be placed closer than 18 inches to the ground surface. §328.66 (h)
- Description of scrap tire processing operations (if applicable) §328.66(i)
- LRP.UTs have a maximum of 90 days to place scrap tires below ground. Include the expected length of time scrap tires will be stored before placed in the depression, and a description of how the LRP.UT operator will ensure this timeframe is met. §328.66 (j)(2)
- Confirmation that closure certification requirements will be met §328.66(m)
- Fire prevention and control plans
- Vector control plans

16. Arrangements with Emergency Response Personnel §328.66(d)

Provide a response letter from emergency response personnel stating they will provide firefighting services in the event of a fire on site.

Documentation of arrangements with public or private emergency response personnel is included as

Attachment # _____ of this application.

17. Notification Requirements (Adjacent Property Owners) §328.66(a)(11)

Notify adjacent property owners and property owners within 500 feet of the boundary of the project. Complete the template for notifying adjacent property owners and send it by certified mail with a return receipt request.

- Submit return receipts to the TCEQ Scrap Tire Program as part of the registration application.
- Provide a list of the property owners' names, mailing addresses, and the date the notice was mailed.
- Provide a Property Ownership map with a 500 ft boundary around the site, with a key related to the list of names.

Property ownership map, list of property owners, and certified mail return receipts are included as attachment #____ of this application.

18. Notification Requirements (Public: Newspaper Publication) §328.66(a)(11)

Notify the public of the scrap tire LRPUR registration application. Complete the template for newspaper publication and publish it in the local newspaper, preferably the Sunday edition, once a week for three consecutive weeks.

Submit documentation of the three publications to TCEQ Scrap Tire Program as part of the registration application.

Copies of newspaper publications are included as attachment #____ of this application.

19. Notification Requirements (Local Authorities) §328.66(a)(10) and §328.66(a)(11)

Notify local authorities of the scrap tire LRPUR registration application. Complete the template for notifying local authorities and send it with a copy of this application to local authorities by certified mail with a return receipt request.

Provide the name, mailing address, and date the notice was mailed for the required local authorities below.

Return receipts are included as Attachment # ___ of this application.

City facility is located in

Check if facility is **not** located within city limits or extraterritorial jurisdiction

Name of City Mayor

Mailing Address

Date notice was received

Name of City Health Authorities

Mailing Address

Date notice was received

County facility is located in

Name of County Judge

Mailing Address

Date notice was received

Name of County Health Authorities

Mailing Address

Date notice was received

Local Fire Authority

Name of Fire Marshal

Mailing Address

Date notice was received

Regional Council of Government (COG)

You can find your regional council of government by visiting txregionalcouncil.org and searching by county.

Name of Regional COG

Mailing Address

Date notice was received

Groundwater District https://www.twdb.texas.gov/groundwater/conservation_districts/index.asp

Name of Groundwater District

Mailing Address

Date notice was received

State Representative

Name of State Representative

Mailing Address

Date notice was received

State Senator

Name of State Representative

Mailing Address

Date notice was received

Signature Page

I, _____,
Site Operator (Registrant)'s Authorized Signatory Title

certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature

Date

TO BE COMPLETED BY THE OPERATOR IF THE APPLICATION IS SIGNED BY AN AUTHORIZED REPRESENTATIVE FOR THE OPERATOR

I, _____, hereby designate _____
Print or Type Operator Name Print or Type Representative Name

as my representative and hereby authorize said representative to sign any application, submit additional information as may be requested by the Commission; and/or appear for me at any hearing or before the Texas Commission on Environmental Quality in conjunction with this request for a Texas Water Code or Texas Solid Waste Disposal Act permit. I further understand that I am responsible for the contents of this application, for oral statements given by my authorized representative in support of the application, and for compliance with the terms and conditions of any permit which might be issued based upon this application.

Print or Type Name of Operator or Principal Executive Officer

Signature

Date



Texas Commission on Environmental Quality

Checklist for LRPUT Registration Application

Submit the checklist below as part of your application. Applications will not be reviewed without documentation of notification to local authorities.

Required Documents

Completed LRPUT Registration Application (TCEQ-10297I)

TCEQ Core Data Form (TCEQ-10400)

Property Owner Affidavit form (TCEQ-10299L)

Applicant Affidavit form (TCEQ-??)

Maps (Attachment #___)

Engineer's Statement (Attachment #___)

Demonstration of Seasonal High Groundwaters (Attachment #___)

Site Operating Plan (Attachment #___)

Response letter from emergency response personnel (Attachment #___)

Return receipts for registered mail as proof of notification provided to (Attachment #___, #___, and #___)

City Mayor

County Judge

Regional COG

Local Fire Authority

City and County Health Authorities

Groundwater District

State Senator

State Representative

Adjacent Landowners

Proof of Publication

Template Engineer's Statement

Use the template provided for a signed and sealed statement by a professional engineer licensed to practice in Texas, certifying that the LRPUT will be designed in a manner that will comply with the requirements in 30 Texas Administrative Code Chapter 328, Section §328.66(a)(7). The template can not be altered or revised.

**Land Reclamation Project Using Tires (LRPUT) Registration Application –
Statement Signed and Sealed by a Professional Engineer**

Engineering Company Name and Contact Information

Engineer's Name and Contact Information

LRPUT Name and Address

This statement is to certify I have reviewed the application for the above LRPUT and determined the project is designed in a manner that will comply with the following standards.

1. The LRPUT shall not cause a discharge of solid waste or pollutants adjacent to or into the waters of the state, including ground water, that is in violation of the requirements of the Texas Water Code, §26.121;
2. The LRPUT shall not adversely affect human health, public safety or the environment, either during fill operations or after the reclamation project is complete; and
3. Tire or tire pieces shall not be placed below ground in a manner that constitutes disposal as defined in Texas Health and Safety Code §361.003(7);

Engineer's Signature:

Date:

Seal:

Template to Notify Adjacent Landowners

Use the template provided to notify adjacent landowners and owners of property within 500 feet of the boundary of the proposed LRPOT. Notice must be sent by certified mail with a return receipt request. Submit return receipts to the TCEQ Scrap Tire Program as part of the registration application.

Land Reclamation Project Using Tires (LRPUT) Registration - Notification to Adjacent Landowners

Notification Date: _____

Notification to: _____

Customer Legal Name

has applied to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for a LRPUT Registration for a proposed LRPUT to be located at

Physical address of the facility

The registration application is submitted to comply with the requirements of Title 30 Texas Administrative Code (TAC) Chapter 328, Subchapter F.

The TCEQ rules require persons who intend to fill excavated land using scrap tires and inert fill to obtain a LRPUT registration for that facility from the TCEQ. The TCEQ rules also require a LRPUT registration applicant to notify all adjacent landowners and owners of property within 500 feet of the boundary of the project. This notification is provided to comply with the TCEQ rules.

Approval by the TCEQ Executive Director is required before the proposed LRPUT may begin operations. The applicant has filed registration documents with

Name and Office Address of County Judge

where they can be viewed by the public.

For additional information about this application and/or to submit comments, please contact: Waste Permits Division, MC 126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087. The TCEQ staff can also be contacted via email to tires@tceq.texas.gov or by phone at (512) 239-2335.

Template to Notify Local Authorities

Use the template provided to notify local authorities (identified below) of the Land Reclamation Project Using Tires registration application to comply with the notification requirements of 30 Texas Administrative Code Chapter 328, Sections §328.66(a)(10) and §328.66(a)(11). Notice must be sent by certified mail with a return receipt request. Submit return receipts to the TCEQ Scrap Tire Program as part of the registration application.

- City mayor (if site is within the city/corporate limits or the city's extraterritorial jurisdiction)
- County judge
- Local fire authority
- Local city and county health authorities
- Jurisdictional council of government
- Groundwater District
- State representative
- State senator

**Land Reclamation Project Using Tires (LRPUT) Registration Application –
Notification to Local and Regional Authorities**

Notification Date: _____

Notification to: _____

Customer Legal Name

has applied to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for a registration for a proposed LRPUT to be located at

Physical address of the LRPUT

The registration application is submitted to comply with the requirements of Title 30 Texas Administrative Code (TAC) Chapter 328, Subchapter F. A copy of the application is attached to this notification for your review.

This notification is provided per the requirements of 30 TAC Chapter 328, Sections §328.66(a)(10) and §328.66(a)(11). Approval by the TCEQ Executive Director is required before the start of the proposed LRPUT operations at the above-referenced location.

Prior to authorizing a LRPUT, the TCEQ executive director must consider any timely written notification by a local government with jurisdiction over a proposed LRPUT that the proposed LRPUT does not comply with local requirements related to managing scrap tires and protecting public health and the environment. Such notice must include adequate documentation of noncompliance at the proposed LRPUT. The executive director determines whether any documentation of noncompliance submitted is adequate.

Comments on the application, if any, must be submitted in writing to the TCEQ's Waste Permits Division within 30 days of the date noted above.

For additional information about this application and/or to submit comments, please contact: Waste Permits Division, MC 126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087. The TCEQ staff can also be contacted via email to tires@tceq.texas.gov or by phone at (512) 239-2335.

Submitted by:

Name of Applicant or Authorized Representative

Mailing Address

Phone Number

Template for Newspaper Notices

The applicant is required to publish a notice once a week for three weeks in a newspaper of general circulation. The applicant should attempt to obtain publication in the Sunday edition of a newspaper. Use the template language provided for the published notice. Edit the language to include the required information in bold.

(Customer legal name, mailing address as identified in the TCEQ Core Data Form, and customer telephone number) has applied to the Executive Director of the Texas Commission on Environmental Quality (TCEQ) for a Land Reclamation Project Using Tires (LRPUT) Registration for their proposed LRPUT to be located at **(provide LRPUT address)**. The application is submitted to comply with the requirements of Title 30 Texas Administrative Code (TAC) Chapter 328, Subchapter F.

This public notice is provided per the requirements of 30 TAC Section 328.66. Approval by the TCEQ Executive Director is required before the proposed LRPUT may begin storage activities. The applicant has filed registration documents with **(name and office address of County Judge)**, where they may be viewed by the public.

The TCEQ scrap tire management rules require the publication of this notice once a week for three weeks. This is the **(first/second/third)** publication of the notice. Comments on the application, if any, must be submitted to the TCEQ staff within 30 days of the third publication of this notice **(use this sentence for the first two notices)**. Comments on the application, if any, must be submitted to the TCEQ staff within 30 days of this notice **(use this sentence for the third and final notice publication)**.

For additional information about this application and/or to submit comments, please contact the TCEQ at: Waste Permits Division, MC 126, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, TX 78711-3087. The TCEQ staff may also be contacted by phone at (512) 239-2335, or via email to tires@tceq.texas.gov.



Texas Commission on Environmental Quality

Land Reclamation Project Using Tires

Operator Affidavit

I, _____, do hereby notify the Texas Commission on Environmental
Name of LRPUT Operator
Quality (TCEQ) that I intend to fill land by means of a Land Reclamation Project Using Tires (LRPUT) at
_____, and
LRPUT Physical Address

I affirm, acknowledge, and certify the following:

I am familiar with the application and supporting data.

I am aware of all commitments represented in the notification.

I am familiar with and agree to comply with all pertinent regulatory requirements identified in Title 30 of the Texas Administrative Code, Chapter 328, Subchapter F.

I agree to develop and operate the project and site in accordance with the application, applicable local and state regulations, and any special provisions that may be imposed by the executive director.

The information submitted in connection with this project is true and correct to the best of my knowledge.

WITNESS MY HAND on this _____ day of _____, _____.

Operator Signature

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, _____.

_____, For _____ County, Texas
Notary Public

My Commission Expires: _____



Texas Commission on Environmental Quality

Land Reclamation Project Using Tires

Property Owner Affidavit

I, _____, the owner of record of the property herein described:
Property Owner Name

LRPUT Physical Address
have all rights and covenants to lease, rent, or assign to _____
Applicant Name

the property described.

I acknowledge that _____ has, or intends to file for, a
Applicant Name
registration to operate Land Reclamation Project Using Tires (LRPUT).

I acknowledge that the State of Texas may hold the undersigned and _____
Applicant Name

either jointly or severally responsible for the operation, maintenance, closure and any required post-closure care of the site and facility.

I affirm, acknowledge, and certify the following:

I have the responsibility to file with the county deed records an affidavit to the public advising that a reclamation project utilizing tire pieces exists on the site and providing details about the location of the filled area within the property boundaries, the areal extent of the fill, the coordinates or survey data, and the approximate weight or volume of tires used as fill, at such time as the fill project has been completed.

The borrow area, hole or disturbed land area where the project will take place existed before the project; was excavated for another purpose; and was not excavated for burial of tire pieces.

This LRPUT will be completed in a manner that will comply with all regulations set forth in Title 30 of the Texas Administrative Code, Chapter 328, Subchapter F, as well as any other rules of the commission or any other local, state, or federal agency which apply.

The local fire marshal or fire chief having jurisdiction in the site area has been notified of this proposed fill activity, and arrangements have been made for firefighting assistance and other emergency response support.

Upon completion of all fill activities for the LRPUT, I will submit to the TCEQ executive Director, for review and approval, a documented certification signed by a licensed professional engineer verifying that the project has been completed in accordance with Title 30 of the Texas Administrative Code, Chapter 328, Subchapter F, and the notification application.

WITNESS MY HAND on this _____ day of _____, _____.

Property Owner Signature

SWORN TO AND SUBSCRIBED before me on this _____ day of _____, _____.

_____, For _____ County, Texas

Notary Public

My Commission Expires: _____