

2. AN APPROVED FACILITY THAT USES TIRES AS A TIRE DERIVED FUEL.

(2) A PERSON MAY NOT INCINERATE TIRES EXCEPT IN:

(I) AN APPROVED RESOURCE RECOVERY FACILITY THAT USES TIRES AS A FUEL SUBSTITUTE; OR

(II) AN APPROVED FACILITY THAT USES TIRES AS A TIRE DERIVED FUEL.

(3) A FACILITY THAT PROCESSES SCRAP TIRES FOR USE AS A FUEL IN AN INCINERATOR, BOILER, OR RESOURCE RECOVERY FACILITY OR A FACILITY THAT BURNS OR INCINERATES SCRAP TIRES MAY NOT BE APPROVED OR LICENSED UNDER THIS SUBTITLE, UNLESS:

(I) THERE IS NO REASONABLE AND ECONOMICALLY AVAILABLE OPPORTUNITY TO PROCESS THE TIRES AND RETURN THEM TO THE MARKETPLACE FOR REUSE; AND

(II) THE BURNING OR INCINERATION MEETS ALL FEDERAL AND STATE AIR QUALITY STANDARDS.

~~(C)~~ (D) USED SCRAP TIRE COLLECTION FACILITIES, HAULERS, OR RECYCLERS MAY BE PUBLICLY OR PRIVATELY OWNED AND OPERATED.

~~(D)~~ (1) BY JANUARY 2, 1993, THE SERVICE SHALL PLACE IN OPERATION A USED TIRE RECYCLING SYSTEM FOR COUNTIES WHOSE POPULATION EXCEEDS 150,000 ACCORDING TO THE LATEST OFFICE OF PLANNING PROJECTIONS.

(2) BY JANUARY 2, 1994, THE SERVICE SHALL PLACE IN OPERATION A USED TIRE RECYCLING SYSTEM FOR COUNTIES WHOSE POPULATION IS LESS THAN 150,000 ACCORDING TO THE LATEST OFFICE OF PLANNING PROJECTIONS.

~~(D)~~ (E) (1) AFTER CONSULTATION WITH OTHER STATE AGENCIES, REPRESENTATIVES OF THE TIRE INDUSTRY, AND REPRESENTATIVES OF LOCAL GOVERNMENT, THE SERVICE SHALL PLACE IN OPERATION A SCRAP TIRE RECYCLING SYSTEM:

(I) BY JANUARY 1, 1993 FOR ANY COUNTY WITH A POPULATION OF 150,000 OR MORE ACCORDING TO THE MOST RECENT PROJECTIONS BY THE OFFICE OF PLANNING; AND

(II) BY JANUARY 1, 1994 FOR ANY COUNTY WITH A POPULATION OF LESS THAN 150,000 ACCORDING TO THE MOST RECENT PROJECTIONS BY THE OFFICE OF PLANNING.

~~(3)~~ (2) THE SERVICE MAY ESTABLISH USED A SCRAP TIRE RECYCLING SYSTEMS SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A REGIONAL BASIS.