

1. If the Department concludes it erred in denying the application, and the Department has not yet paid the rebate that month, then the Department will reinstate the application and recalculate the payment before paying the rebate that month.
2. If the Department concludes it erred in denying the application and the Department has already paid the rebate that month, then the Department will notify the applicant and reimburse the applicant from the next month's money, as available, according to the following method: (1) The Department will determine what the applicant should have been paid had the Department not erred; (2) The Department will pay the applicant that amount from the next month's money; and (3) The next month's money will be reduced accordingly.
3. If the Department concludes no error was made, then it will notify the applicant that its previous determination was not in error and is final. This determination is subject to appeal pursuant to section 24-4-106, C.R.S.

#### **10.12.5 REBATE AMOUNT**

- A. The Department will pay the rebate amount on a per-ton basis.
- B. Beginning January 1, ~~2016~~2017, the amount of the rebate is ~~eighty~~ seventy dollars (~~\$80~~ 70) per ton.
- C. If the tons approved for the rebate in any one month multiplied by the amount of the rebate in section 10.12.5(B) exceeds the balance of the Fund, then the Department shall reduce the per ton amount of the rebate that month to a rate that will not cause a deficit in the Fund.

#### **10.12.6 ENFORCEMENT**

- A. A person who applies for a rebate is subject to a review by the Department at any time. Applicants must allow access to all records related to waste tire management activities during normal business hours for the purpose of determining compliance with these rules for five (5) years from the date of receiving a rebate.
- B. If an applicant provides information that constitutes a trade secret, confidential personnel information, or proprietary commercial or financial information, in accord with section 24-72-204(3), C.R.S., then the applicant may request the Department withhold such documents from disclosure in the event the Department receives a request for records in accord with the Colorado Open Records Act, section 24-72-101 et seq. All such documents must be clearly marked with the term "Proprietary Information" on each appropriate page. Records marked as containing trade secret, confidential, personnel, or proprietary information that do not actually contain such information may be released pursuant to an Open Records Act request.