

RÉSUMÉ DIGEST

ACT 291 (SB 96)

2021 Regular Session

Lambert

Prior law provided for the waste tire program in the Dept. of Environmental Quality (DEQ). One aspect of the program is to reimburse waste tire processors from the Waste Tire Management Fund for scrapping waste tires generated within the state.

Prior law authorized the secretary of the department to promulgate rules, regulations, and guidelines for the administration and enforcement of the program. Prior law provided that such rules, regulations, and guidelines establish the standards, requirements, and permitting procedures for waste tire transporters, collection sites, and processors.

New law retains prior law and also requires establishment of standards, requirements, and permitting procedures for generators, commonly known as tire dealers.

Prior law provided that the requirements include proof of commercial liability insurance and other evidence of financial responsibility as determined by the secretary. New law limits this requirement to tire transporters, collection sites, and processors, while excluding generators.

Prior law required waste tire transporters provide a surety bond in a minimum amount of \$10,000 as determined by the secretary. New law retains prior law.

Prior law prohibited the knowing and intentional disposal of waste tires in the state, unless the waste tires are disposed of for processing or collected for processing at a permitted solid waste disposal facility, a permitted waste tire processing facility, or a waste tire collection center. New law retains prior law.

New law provides that no person shall store more than 20 whole waste tires or sell tires without holding a valid generator identification number or other authorization issued by the DEQ.

New law provides that no person who stores more than 20 whole waste tires or sells tires shall allow the waste tires generated by his activities be transported by a person without a valid transporter authorization certificate and a manifest satisfying the requirements of the DEQ.

New law provides that any person who willfully or knowingly violates new law shall, upon conviction, be subject to a fine of not less than \$300 but not more than \$500, or imprisonment for six months, or both.

New law provides that no person can transport more than 20 whole waste tires without a valid transporter authorization certificate or other authorization issued by the department and a manifest satisfying the requirements of the DEQ.

New law requires a transporter of waste tires to only accept and transport waste tires from a person who has obtained a valid generator identification number from the DEQ.

New law exempts commercial farmers, as defined in R.S. 47:301(30) from the requirements of having a generator identification number and a transporter authorization certificate.

New law is not to apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until DEQ promulgates regulations governing these maintenance activities.

New law requires promulgation of any rules and regulations pursuant to new law be in accordance with the Administrative Procedure Act.

Effective August 1, 2021.

(Amends R.S. 30:2418(H)(1) and (J); adds R.S. 30:2418.1 and 2418.2)