

2018 Regular Session

HOUSE BILL NO. 855

BY REPRESENTATIVE MIGUEZ

ENVIRONMENT/WASTE TIRES: Provides for end-market uses of waste tires and waste tire material and repeals the Waste Tire Program Task Force.

1 AN ACT

2 To amend and reenact Section 3 of Act No. 323 of the 2013 Regular Session of the
3 Legislature, as amended by Act No. 427 of the 2015 Regular Session of the
4 Legislature, and R.S. 30:2418(H)(10) and to enact R.S. 30:2412(40), relative to
5 waste tires; to provide for end-market uses of waste tires and waste tire material; to
6 provide for definitions; to provide for the Waste Tire Program Task Force; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 30:2418(H)(10) is hereby amended and reenacted and R.S.
10 30:2412(40) is hereby enacted to read as follows:

11 §2412. Definitions

12 As used in this Chapter, unless the context clearly indicates otherwise, the
13 term:

14 * * *

15 (40) "Customary end-market use" means any use in a project that conforms
16 to generally accepted standard industry practices, including but not limited to, those
17 recognized by the United States Environmental Protection Agency, the U.S. Tire
18 Manufacturers Association, and those previously approved by the department

1 including bulkheads, tire derived fuel, and crumb rubber applications, or other uses
2 approved by the department.

3 * * *

4 §2418. Waste tires

5 * * *

6 H. The secretary shall promulgate rules, regulations, and guidelines for the
7 administration and enforcement of the waste tire program provided for in this
8 Chapter, which shall be subject to legislative review and approval by the Senate
9 Committee on Environmental Quality and the House Committee on Natural
10 Resources and Environment. The rules, regulations, and guidelines shall provide for
11 but not be limited to:

12 * * *

13 (10) Establishing standards and requirements for expedited approval of
14 customary end-market uses including but are not limited to those recognized by the
15 United States Environmental Protection Agency, the ~~Rubber Manufacturers~~
16 ~~Association~~ U.S. Tire Manufacturers Association, or previously approved by the
17 department. Such standards and requirements shall not include disposal as an ~~end~~
18 ~~market~~ end-market use of eligible waste tire material. No such standard or
19 requirement shall contravene Subsection C or E of this Section. Any end-market use
20 application for a customary end-market use for waste tires or waste tire material shall
21 be considered approved if not denied by the department within fifteen days of the
22 submission of the application.

23 * * *

24 Section 2. Section 3 of Act No. 323 of the 2013 Regular Session of the Legislature,
25 as amended by Act No. 427 of the 2015 Regular Session of the Legislature, is hereby
26 amended to read as follows:

27 Section 3.A. The Waste Tire Program Task Force is hereby created
28 and charged with the responsibilities to study, report, and make
29 recommendations on the Department of Environmental Quality's waste tire

1 program, including the laws, rules, and regulations governing the program
2 and the fee structure and financial obligations of the program, and to submit
3 a report of its findings and recommendations on February 15, 2019, and
4 February 15, 2020, to the House Committee on Natural Resources and
5 Environment and the Senate Committee on Environmental Quality ~~annually~~
6 until February 15, 2020. ~~Additionally, recommendations for any changes to~~
7 ~~the fee structure of the program shall be submitted to the committees on or~~
8 ~~before February 15, 2016, and thereafter, such recommendations shall be~~
9 ~~submitted with the annual report.~~

10 B. The Waste Tire Program Task Force shall be composed of the
11 following members:

12 (1) The secretary of the Department of Environmental Quality, or her
13 designee.

14 (2) The chairman of the House Committee on Natural Resources and
15 Environment, or his designee.

16 (3) The chairman of the Senate Committee on Environmental
17 Quality, or his designee.

18 (4) A representative appointed by the governor.

19 (5) A representative appointed by the Louisiana Motor Transport
20 Association.

21 (6) A representative appointed by the Louisiana Independent Tire
22 Dealers Association.

23 (7) A representative appointed by each of the waste tire processors
24 permitted as of May 1, 2013.

25 (8) A representative appointed by the Louisiana Marine and
26 Motorcycle Dealers Association.

27 (9) A representative appointed by the Louisiana Farm Bureau.

28 C. Task force members shall serve without compensation, except per
29 diem or expense reimbursement to which they may be individually entitled

1 as members of their constituent organizations. The secretary of the
 2 Department of Environmental Quality, or her designee, shall serve as
 3 chairman of the task force and at the first meeting, the task force shall elect
 4 a vice chairman. The task force shall meet as necessary to complete its
 5 responsibilities: , and shall disband on February 15, 2020.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 855 Reengrossed

2018 Regular Session

Miguez

Abstract: Provides for end-market uses of waste tires and waste tire material and for the Waste Tire Program Task Force.

Present law provides that a fee of \$2 per passenger/light truck tire, \$5 per medium truck tire, and \$10 per off-road tire be collected for every tire sold. Specifies that the fees are deposited into the Waste Tire Management Fund which is used to operate the waste tire program in the Dept. of Environmental Quality. Present law also addresses reimbursement of waste tire processors from the fund for scrapping waste tires generated within the state.

Present law requires the department's rules and regulations provide for standards and requirements for expedited approval of customary end-market uses including, but not limited to, those recognized by the Environmental Protection Agency, the Rubber Manufacturers Association, or previously approved by the department.

Present law prohibits the standards and requirements from including disposal as an end market use of eligible waste tire material and contravening existing law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.

Proposed law defines "customary end-market use" as any use in a project that conforms to generally accepted standard industry practices, including but not limited to, those recognized by the U.S. Environmental Protection Agency, the U.S. Tire Manufacturers Association, and those previously approved by the department including bulkheads, tire derived fuel, and crumb rubber applications, or other uses approved by the department.

Proposed law provides that any end-market use application for a customary end-market use for waste tires or waste tire material will be considered approved if not denied by the department within 15 days of the submission of the application. Changes the reference to the Rubber Manufacturers Association to its new name, "U.S. Tire Manufacturers Association".

Present law creates the Waste Tire Program Task Force charged with the responsibilities to study, report, and make recommendations on the waste tire program annually to the oversight committees.

Proposed law requires the task force to submit reports and recommendations to the oversight committee on Feb. 15, 2019, and Feb. 15, 2020 and terminates the task force on Feb. 15, 2020.

(Amends §3 of Act No. 323 of the 2013 R.S., as amended by Act No. 427 of the 2015 R.S., and R.S. 30:2418(H)(10); Adds R.S. 30:2412(40))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Require the Waste Tire Program Task Force to submit reports and recommendations to the oversight committee on Feb. 15, 2019, and Feb. 15, 2020.
2. Terminate the task force on Feb. 15, 2020.
3. Remove a provision that required recommendations for changes to the fee structure of the program be submitted to the oversight committee by Feb. 15, 2016, and thereafter submitted annually.