

2021 Regular Session

SENATE BILL NO. 96

BY SENATOR LAMBERT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ENVIRONMENTAL QUALITY. Provides for the waste tire program in the Department of Environmental Quality. (8/1/21)

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AN ACT

To amend and reenact R.S. 30:2418(H)(1) and to enact R.S. 30:2418.1 and 2418.2, relative to the waste tire program in the Department of Environmental Quality; to authorize the establishment of standards, requirements, and permitting procedures; to provide for waste tire generators; to authorize the promulgation of rules, regulations, and guidelines; to require certain generators of waste tires to obtain generator identification numbers; to require certain transporters to obtain a certificate; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2418(H)(1) is hereby amended and reenacted and R.S. 30:2418.1 and 2418.2 are hereby enacted to read as follows:

§2418. Waste tires

\* \* \*

H. The secretary shall promulgate rules, regulations, and guidelines for the administration and enforcement of the waste tire program provided for in this Chapter, which shall be subject to legislative review and approval by the Senate Committee on Environmental Quality and the House Committee on Natural

1 Resources and Environment. The rules, regulations, and guidelines shall provide for  
2 but not be limited to:

3 (1) Establishing standards, requirements, and permitting procedures for waste  
4 tire transporters, collection sites, **generators**, and processors. ~~Requirements~~ **The**  
5 **requirements for waste tire transporters, collection sites, and processors** shall  
6 include proof of commercial liability insurance in a sufficient amount and other  
7 evidence of financial responsibility as determined by the secretary. For waste tire  
8 transporters, financial responsibility shall include a surety bond in a minimum  
9 amount of ten thousand dollars, as determined by the secretary.

10 \* \* \*

11 **§2418.1. Failure to obtain a generator identification number**

12 **A. No person shall store more than twenty whole waste tires nor sell tires**  
13 **without holding a valid generator identification number or other authorization**  
14 **issued by the department.**

15 **B. No person subject to Subsection A of this Section shall allow the waste**  
16 **tires generated by his activities to be transported by a person without a valid**  
17 **transporter authorization certificate and a manifest satisfying the requirements**  
18 **of the department.**

19 **C. Any person who willfully or knowingly violates this Section shall,**  
20 **upon conviction, be subject to a fine of not less than three hundred dollars but**  
21 **not more than five hundred dollars, or imprisonment for six months, or both.**

22 **D. The provisions of this Section shall not apply to a commercial farmer**  
23 **as defined in R.S. 47:301(30).**

24 **§2418.2. Failure to obtain a waste tire transporter authorization certificate**

25 **A. No person shall transport more than twenty whole waste tires without**  
26 **a valid transporter authorization certificate or other authorization issued by the**  
27 **department and a manifest satisfying the requirements of the department.**

28 **B. A transporter of waste tires shall only accept and transport waste tires**  
29 **from a person who has obtained a valid generator identification number from**

1           the department.

2                   C. Any person who willfully or knowingly violates this Section shall,  
 3           upon conviction, be subject to a fine of not less than three hundred dollars but  
 4           not more than five hundred dollars, or imprisonment for six months, or both.

5                   D. The provisions of this Section shall not apply to a commercial farmer  
 6           as defined in R.S. 47:301(30).

7           Section 2. Any requirement provided for in this Act shall be promulgated by the  
 8           department in rules and regulation in accordance with the Administrative Procedure Act.

The original instrument was prepared by Tyler S. McCloud. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl Serrett.

DIGEST

SB 96 Reengrossed

2021 Regular Session

Lambert

Present law provides 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.

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

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

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

Present law requires waste tire transporters provide a surety bond in a minimum amount of \$10,000 as determined by the secretary. Proposed law retains present law.

Present law prohibits 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. Proposed law retains present law.

Proposed 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.

Proposed 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.

Proposed law provides that any person who willfully or knowingly violates proposed 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.

Proposed 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.

Proposed 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.

Proposed 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.

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

Effective August 1, 2021.

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

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Exempts commercial farmers from the requirements of proposed law.
2. Makes technical changes.