

CONFERENCE COMMITTEE REPORT

SB 96

2021 Regular Session

Lambert

June 3, 2021

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 96 by Senator Lambert, recommend the following concerning the Reengrossed bill:

1. That all the House Floor Amendments proposed by Representative McFarland and adopted by the House of Representatives on May 26, 2021, be adopted.
2. That all the House Floor Amendments proposed by Representative Romero and adopted by the House of Representatives on May 26, 2021, be rejected.

Respectfully submitted,

Senators:

Representatives:

Senator Eddie J. Lambert

Representative Jean-Paul P. Coussan

Senator R. L. Bret Allain II

Representative Royce Duplessis

Senator Sharon Hewitt

Representative Troy D. Romero

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

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

Report adopts House amendments to:

1. Adds provisions excluding persons who operate a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until promulgation of regulations governing by DEQ.

Report rejects House amendments which would have:

1. Adds provisions for reporting the total permitted capacity necessary to manage waste tires.
2. Prohibits issuance of new permits for waste tire processors unless failure results in insufficient capacity for the proper management of waste tires within one year.

Digest of the bill as proposed by the Conference Committee

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 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.

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) and (J); adds R.S. 30:2418.1 and 2418.2)