

Regular Session, 2013

HOUSE BILL NO. 591

BY REPRESENTATIVE STUART BISHOP

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

ENVIRONMENT/WASTE TIRES: Provide for the waste tire program in the Department of Environmental Quality

1 AN ACT

2 To amend and reenact R.S. 30:2418(A), (B), (C), (H)(3) and (6), (I)(2) and (3)(a), and (N)
3 and to repeal R.S. 30:2418(D), (H)(9), and (I)(3)(b), relative to waste tires; to
4 provide for waste tires; to provide for the disposal of waste tires; to provide for waste
5 tire collection centers; to provide for notifications by waste tire collections centers;
6 to provide for the authority to promulgate certain rules and regulations; to provide
7 for payments to waste tire processors; to provide an effective date; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2418(A), (B), (C), (H)(3) and (6), (I)(2) and (3)(a), and (N) are
11 hereby amended and reenacted to read as follows:

12 §2418. Waste tires

13 A. The owner or operator of a waste tire collection center shall, ~~within six~~
14 ~~months after September 1, 1989,~~ provide the department with a notification of the
15 site's location, size, and the approximate number of waste tires that are accumulated
16 at the site.

17 B. ~~After January 1, 1990, it~~ It is unlawful for any person to dispose
18 knowingly and intentionally of waste tires in the state, unless the waste tires are
19 disposed of for processing, or collected for processing, at a permitted solid waste
20 disposal facility, a permitted waste tire processing facility, or a waste tire collection
21 center.

1 C. Waste tires that are not subjected to processing or recycling may not be
2 deposited knowingly and intentionally in a landfill as a method of ultimate disposal
3 ~~after January 1, 1991.~~ However, notwithstanding any other law or rule to the
4 contrary, waste tires which have been prepared for disposal by cutting, separating,
5 shredding, or other means in accordance with the rules or standards of the
6 department may be disposed of in a landfill.

7 * * *

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

14 * * *

15 (3) Providing technical assistance and incentives to encourage market
16 research and development projects. ~~Beginning on July 1, 2003, and continuing until~~
17 ~~June 30, 2008, five percent of all monies from fees collected on the sale of tires and~~
18 ~~deposited in the fund provided for in Subsection G of this Section shall be used to~~
19 ~~encourage the development of products which are marketable and provide a~~
20 ~~beneficial use and for promotion of those products which have a beneficial use. The~~
21 ~~department shall make recommendations to the House Committee on Natural~~
22 ~~Resources and Environment and Senate Committee on Environmental Quality for tax~~
23 ~~credits to encourage the development and implementation of technologies utilizing~~
24 ~~used and recycled tire rubber. Upon expiration of the term provided for in this~~
25 ~~Subsection, any unexpended and unobligated monies deposited in the Waste Tire~~
26 ~~Management Fund pursuant to this Subsection in excess of five hundred thousand~~
27 ~~shall be available for expenditure pursuant to Subsection G of this Section.~~

28 * * *

1 (6) ~~Establishing a priority system for the clean-up of existing waste tires.~~
 2 Establishing a procedure for accepting payments from collection centers and tire
 3 retailers to cover the costs of transporting and recycling waste tires generated out
 4 side of Louisiana or otherwise ineligible waste tires collected at those facilities.

5 * * *

6 I.

7 * * *

8 (2) A permitted waste tire processing facility shall be paid a minimum of
 9 seven and a half cents per pound of waste tire material that is recycled or that reaches
 10 ~~end-market~~ end market uses or per pound of whole waste tires ~~marketed and shipped~~
 11 ~~to a qualified recycler~~ that are recycled or that reaches end market uses. This
 12 payment shall be made to the facility on or before the twenty fifth day of each month
 13 and shall be conditioned on the facility providing to the department any
 14 documentation, including but not limited to manifests, statements, or certified scale-
 15 weight tickets, required by law or by rules and regulations promulgated by the
 16 department.

17 (3)(a) In the event the balance of the fund is insufficient to meet the
 18 obligations to waste tire processors provided for ~~above~~ in Paragraph 2 of this
 19 Subsection, the department, ~~after meeting all payments required by law~~, shall pay
 20 any undisputed obligations in a pro rata share to waste tire processors having a
 21 standard permit when the request for payment was submitted. ~~Any remaining~~
 22 ~~undisputed obligations which would have been paid to waste tire processors but for~~
 23 ~~the insufficiency of the Waste Tire Management Fund shall be paid from future~~
 24 ~~surplus funds in the Waste Tire Management Fund as provided in Subparagraph(b)~~
 25 ~~of this Paragraph~~. Such payments shall be applied in priority from the earliest
 26 incurred undisputed obligation to the most current undisputed obligation.

27 * * *

28 N. The secretary shall promulgate rules to make payments to processors on
 29 the basis of weight ~~or tire count at the option of the processor~~. Payments to a waste

1 tire processor, or any portion thereof, shall not be temporarily or permanently
2 withheld or terminated prior to written notification by the department of the reasons
3 for such withholding or termination to the processor by certified mail. Any such
4 disputed funds shall be immediately placed in escrow pending final resolution of the
5 matter.

6 * * *

7 Section 2. R.S. 30:2418(D), (H)(9), and (I)(3)(b) are hereby repealed in their
8 entirety.

9 Section 3. The Department of Environmental Quality shall initiate the rulemaking
10 process pursuant to R.S. 49:953 to implement the provisions of this Act on or before August
11 10, 2013 and submit the report required pursuant to R.S. 49:968(D) to the House Committee
12 on Natural Resources and Environment and the Senate Committee on Natural Resources by
13 December 31, 2013.

14 Section 4. This Act shall become effective on July 1, 2013; if vetoed by the governor
15 and subsequently approved by the legislature, this Act shall become effective on July 1,
16 2013, or on the day following such approval by the legislature, whichever is later.

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)]

Stuart Bishop

HB No. 591

Abstract: Provides for the waste tire program in the Dept. of Environmental Quality

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

Present law requires the owner or operator of a waste tire collection center to provide the department the location, size, and the approximate number of waste tires that are accumulated at their site within 6 months after Sep. 1, 1989.

Present law prohibits any person after Jan. 1, 1990, to knowingly and intentionally dispose 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.

Present law prohibits the knowingly or intentionally disposing of waste tires that are not subjected to processing or recycling in a landfill after Jan. 1, 1991.

Proposed law retains present law except removes the dates.

Present law requires the secretary of DEQ to promulgate rules, regulations, and guidelines for the administration and enforcement of a waste tire program.

Present law requires the rules and regulations to provide for technical assistance and incentives to encourage market research and development projects. Proposed law retains present law.

Present law requires the rules to provide that 5% of the funds collected from July 1, 2003 through June 30, 2008, for the waste tire fund shall be used to encourage the development and promotion of products which have a beneficial use. Any amounts in excess of \$500,000 collected in that time after June 30, 2008, shall be used solely for the purposes of the Waste Tire Management Fund. Further requires the department to make recommendations to the oversight committees for tax credits to encourage development and implementation of technologies utilizing used and recycled tire rubber. Proposed law repeals present law.

Present law requires the rules to establish a priority system for the clean up of existing waste tires. Proposed law repeals present law and requires the establishment of a procedure to accept payments from collection centers and tire retailers to cover the cost of recycling ineligible waste tires.

Present law requires the rules to establish a procedure and criteria for local governing authorities to apply for and receive funds to remediate waste tire problems in their respective jurisdictions and shall commence such payments by May 1, 1993. Proposed law repeals present law.

Present law requires a waste tire processing facility to be paid by DEQ a minimum of 7-1/2¢ per pound of waste tire material that is recycled or that reaches end-market uses or that reaches end-market uses or per whole waste tires marketed and shipped to a qualified recycler.

Proposed law changes the requirement for payment for whole waste tires from that whole waste tires be marketed and shipped to a qualified recycler to that whole waste tires be recycled or reaches end market uses.

Present law conditions payment to the waste tire processing facility on providing documentation required by rules and regulations. Proposed law retains present law.

Proposed law requires the payments to waste tire processors by the 25th of each month.

Present law provides that in the event the balance of the Waste Tire Management Fund is insufficient to meet the obligations to waste tire processors, DEQ, after meeting all payments required by law, pay any undisputed amounts in a pro rata share to waste tire processors having a standard permit when the request was submitted. Proposed law removes the requirement that the payments be made after meeting all payment required by law.

Present law provides that remaining undisputed obligations unpaid due to lack of funds shall be paid in a pro rata share from future surpluses to certain waste tire processors and to be paid within 15 days after the month in which the surplus arises. Proposed law repeals present law.

Proposed law provides that payment shall be applied in priority from the earliest incurred undisputed obligation to the most current undisputed obligation.

Present law requires the secretary to make rules for payments to processors on the basis of weight or tire count at the option of the processor. Proposed law removes the option to make payments on the basis of tire count.

Present law prohibits withholding or terminating payments to a waste tire processor without written notification of the reasons and requires any disputed payments be placed in escrow until resolution. Proposed law retains present law.

Present law requires the department by rule to encourage the voluntary establishment of waste tire collection centers at all retail outlets that are engaged in the sale of tires. Such centers shall be open to the public and programs to encourage the return of waste tires to collection centers shall be undertaken by the department. Proposed law repeals present law.

Proposed law requires the department to initiate rulemaking to implement proposed law on or before Aug. 10, 2013, and submit the summary report to the oversight committees by Dec. 31, 2013.

Effective July 1, 2013.

(Amends R.S. 30:2418(A), (B), (C), (H)(3) and (6), (I)(2) and (3)(a), and (N); Repeals R.S. 30:2418(D), (H)(9), and (I)(3)(b))