

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 746

2015 Regular Session

Miguez

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

### Synopsis of Senate Amendments

1. Removes tire weight from the definition of "medium truck tire".
2. Changes the definition of "motor vehicle" by including both on-road and off-road motorcycles and excluding lawn mowers, golf carts, all-terrain vehicles, and utility vehicles.
3. Adds the definition of "motor vehicle dealer", "sale of a motor vehicle", and "waste tire material".
4. Requires the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses including but not be limited to those recognized by the Environmental Protection Agency (EPA), the Rubber Manufacturers Association, or previously approved by the Dept. of Environmental Quality (DEQ).
5. Removed waste tire processors' entitlement to 50% of payment upon processing a tire and the remaining 50% upon the material reaching end market use.
6. Requires DEQ to use the emergency rulemaking process to adopt rules to implement present law by October 1, 2015. After that date emergency rules may only be used if imminent peril to the public health, safety, or welfare exists.
7. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

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 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 a permitted waste tire processing facility to be paid a minimum of .075¢ per pound of waste tire material that is recycled or that reaches end market uses or per pound of whole waste tires that are recycled or reaches end market uses. Proposed law retains present law.

Proposed law provides for definitions of "medium truck tire", "motor vehicle", "motor vehicle dealer", "off-road tire", "off-road vehicle", "passenger/light truck/small farm service tire", "sale of a motor vehicle", and "waste tire material".

Proposed law defines "processed" as any method or activity that alters whole waste tires so that they are no longer whole; such as, cutting, slicing, chipping, shredding, distilling, freezing, or other processes as determined by the administrative authority. At a minimum, the tire must be cut more than in half to be considered processed.

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

Proposed law requires the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses including but not limited to those recognized by the EPA, the Rubber Manufacturers Association, or previously approved by DEQ.

Proposed law requires the standards and requirements in proposed law shall not include disposal as an end market use of eligible waste tire material and shall not contravene present law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.

Present law creates the Waste Tire Program Task Force charged with the responsibilities to study, report, and make recommendations on the waste tire program to the oversight committees on or before Feb. 15, 2014. Present law requires the task force to hold its first meeting by August 31, 2013. Proposed law removes the required dates for the report and holding its first meeting and requires annual recommendations.

Present law provides for the membership of the task force as follows:

- (1) The secretary of the DEQ, or her designee.
- (2) The chairman of the House Committee on Natural Resources and Environment, or his designee.
- (3) The chairman of the Senate Committee on Environmental Quality, or his designee.
- (4) A representative appointed by the governor.
- (5) A representative appointed by the Louisiana Motor Transport Association.
- (6) A representative appointed by the Louisiana Independent Tire Dealers Association.
- (7) A representative appointed by each of the waste tire processors permitted as of May 1, 2013.

Proposed law adds a representative appointed by the Louisiana Marine and Motorcycle Dealers Association as a member.

Proposed law requires the secretary to bring any rule, regulation, or guideline required by present law to be in conformity with current law by March 31, 2016.

Proposed law requires the secretary to use the emergency rulemaking process to adopt certain rules by October 1, 2015.

(Amends R.S. 30:2412(4), (5), (5.1), (5.2), and (6.1) and §3 of Act No. 323 of the 2013 R.S.; Adds R.S. 30:2412(5.3), (16.1), (24.2), and (31) and 2418(H)(10))