

2015 Regular Session

HOUSE BILL NO. 746

BY REPRESENTATIVES MIGUEZ AND STUART BISHOP

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

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

1 AN ACT

2 To amend and reenact R.S. 30:2418(I)(2) and Section 3 of Act No. 323 of the 2013 Regular  
3 Session of the Legislature and to enact R.S. 30:2412(31) and 2418(H)(10), relative  
4 to waste tires; to provide for the waste tire program; to provide for definitions; to  
5 provide for payments to processors of waste tires; to provide for the authority of the  
6 Department of Environmental Quality; to provide for the Department of  
7 Environmental Quality's rules and regulations; to provide for the Waste Tire Program  
8 Task Force; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 30:2418(I)(2) is hereby amended and reenacted and R.S. 30:2412(31)  
11 and 2418(H)(10) are hereby enacted to read as follows:

12 §2412. Definitions

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

15 \* \* \*

16 (31) "Processed" means any method or activity that alters whole waste tires  
17 so that they are no longer whole; such as, cutting, slicing, chipping, shredding,  
18 distilling, freezing, or other processes as determined by the administrative authority.

19 At a minimum, a tire is considered processed only if its volume has been reduced by  
20 cutting it in half along its circumference.

21 \* \* \*

1 §2418. Waste tires

2 \* \* \*

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

9 \* \* \*

10 (10) Establishing standards and requirements for end market uses of waste  
11 tire material by January 1, 2016. Such standards and requirements shall not include  
12 disposal as an end market use of eligible waste tire material. No such standard or  
13 requirement shall contravene Subsections C or E of this Section.

14 I.

15 \* \* \*

16 (2) A permitted waste tire processing facility shall be paid a minimum of  
17 seven and a half cents per pound of waste tire material that is-recycled or that reaches  
18 end market uses or per pound of whole waste tires that are recycled or that reaches  
19 end market uses. A permitted waste tire processing facility shall be entitled to fifty  
20 percent of the total payment at processing and the remaining fifty percent of the total  
21 payment once waste tire material reaches end market uses. This payment shall be  
22 made to the facility on or before the twelfth day of the month following the  
23 submission of the request for payment and shall be conditioned on the facility  
24 providing to the department any documentation, including but not limited to  
25 manifests, statements, or certified scale-weight tickets, required by law or by rules  
26 and regulations promulgated by the department.

27 \* \* \*

28 Section 2. Section 3 of Act No. 323 of the 2013 Regular Session of the Legislature  
29 is hereby amended and reenacted to read as follows:

1           Section 3.A. The Waste Tire Program Task Force is hereby created and  
2 charged with the responsibilities to study, report, and make recommendations on the  
3 Department of Environmental Quality's waste tire program, including the laws, rules,  
4 and regulations governing the program and the fee structure and financial obligations  
5 of the program, and to submit a report of its findings and recommendations to the  
6 House Committee on Natural Resources and Environment and the Senate Committee  
7 on Environmental Quality annually ~~on or before February 15, 2014.~~

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

10           (1) The secretary of the Department of Environmental Quality; or her  
11 designee.

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

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

16           (4) A representative appointed by the governor.

17           (5) A representative appointed by the Louisiana Motor Transport  
18 Association.

19           (6) A representative appointed by the Louisiana Independent Tire Dealers  
20 Association.

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

23           (8) A representative appointed by the Louisiana Marine and Motorcycle  
24 Dealers Association.

25           C. Task force members shall serve without compensation, except per diem  
26 or expense reimbursement to which they may be individually entitled as members  
27 of their constituent organizations. The secretary of the Department of Environmental  
28 Quality, or her designee, shall serve as chairman of the task force and at the first  
29 meeting, the task force shall elect a vice chairman. The task force ~~shall hold its first~~

1 ~~meeting by August 31, 2013, shall meet as necessary to complete its responsibilities,~~  
 2 ~~, and shall disband upon submitting the report as provided in this Section.~~

3 Section 3. The secretary shall bring any rule, regulation, or guideline required by  
 4 R.S. 30:2418(H) in conformity with current law by March 31, 2016.

#### 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 746 Engrossed

2015 Regular Session

Miguez

**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 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 entitles permitted waste tire processing facilities to 50% of the total payment at processing and the remaining 50% once the waste tire material reaches end market uses.

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 in half along its circumference to be considered processed.

Present law requires the payments to waste tire processors by the 12th day of the month following the request for payment and conditions payment on providing documentation required by rules and regulations. Proposed law retains present law.

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 end market uses by Jan. 1, 2016.

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

Proposed law prohibits disposal as an end market use of eligible waste tire material.

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.

(Amends R.S. 30:2418(I)(2) and §3 of Act No. 323 of the 2013 R.S.; Adds R.S. 30:2412(31) and 2418(H)(10))

#### Summary of Amendments Adopted by House

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

1. Add to the definition of "processed" that, at a minimum, the tire must be cut in half along its circumference.
2. Require the department to establish end market use standards and requirements by Jan. 1, 2016.
3. Require such standards and requirements not include disposal as an end market use and shall not contravene present law prohibiting waste tire disposal in solid waste facilities and providing for waste tires commingled with solid waste.
4. Require 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.
5. Entitle a permitted waste tire processing facility to 50% of the total payment at processing and the remaining 50% of the total payment once waste tire material reaches end market uses.
6. Continue the Waste Tire Program Task Force and require recommendations to the oversight committees annually.
7. Add the Louisiana Marine and Motorcycle Dealers Association as a task force member.

8. Require the secretary to bring any rule, regulation, or guideline in conformity with current law by March 31, 2016.