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## DIGEST

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Stuart Bishop

HB No. 591

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

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 six months after Sept. 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, should funds be available, to cover the costs of transporting and recycling waste tires collected at collection centers and tire retailers.

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).

Proposed law increases the fee on medium truck tires from \$5 to \$7.50.

Present law requires a waste tire processing facility to be paid by DEQ a minimum of 7-½¢ per pound of waste tire material that is recycled 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 12th day of the month following the submission of the request for payment.

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 retains present law.

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.

Proposed law requires the department to initiate rulemaking to implement proposed law 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)(1), (2), and (3)(a), and (N))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Changes provisions for establishing a procedure for accepting payments from collection centers and retailers for the costs of transporting and recycling ineligible tires to establishing a procedure when funds are available to cover those costs.
2. Changes the payments to waste tire processors from the 25th day of each month to the 12th day of the month following the request for payment.
3. Retains present law providing that payments to processors due to insufficiencies in the Waste Tire Management Fund shall be paid from future surplus in a pro rata share.
4. Retains present law provisions providing for funding to local governing authorities to remediate waste tires, encouraging the establishment of collection centers at retailers.
5. Removes requirement that the Dept. of Environmental Quality initiate rulemaking on or before Aug. 10, 2013.
6. Changes the submission of the summary report from the Senate Committee on Natural Resources to the Senate Committee on Environmental Quality.

House Floor Amendments to the engrossed bill.

1. Increases the fee on medium truck tires from \$5 to \$7.50.