Regular Session, 2013

#### HOUSE BILL NO. 591

# ACT NO. 323

#### BY REPRESENTATIVES STUART BISHOP AND HENRY BURNS

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

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	relative to waste tires; to provide for waste tires; to provide for the disposal of waste
4	tires; to provide for waste tire collection centers; to provide for notifications by waste
5	tire collections centers; to provide for the authority to promulgate certain rules and
6	
	regulations; to provide for payments to waste tire processors; to create and provide
7	for the Waste Tire Program Task Force; to provide an effective date; and to provide
8	for 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.
22	C. Waste tires that are not subjected to processing or recycling may not be
23	deposited knowingly and intentionally in a landfill as a method of ultimate disposal
24	after January 1, 1991. However, notwithstanding any other law or rule to the

#### Page 1 of 5

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### **ENROLLED**

1	contrary, waste tires which that have been prepared for disposal by cutting,
2	separating, shredding, or other means in accordance with the rules or standards of the
3	department may be disposed of in a landfill.
4	* * *
5	H. The secretary shall promulgate rules, regulations, and guidelines for the
6	administration and enforcement of the waste tire program provided for in this
7	Chapter, which shall be subject to legislative review and approval by the Senate
8	Committee on Environmental Quality and the House Committee on Natural
9	Resources and Environment. The rules, regulations, and guidelines shall provide for
10	but not be limited to:
11	* * *
12	(3) Providing technical assistance and incentives to encourage market
13	research and development projects. Beginning on July 1, 2003, and continuing until
14	June 30, 2008, five percent of all monies from fees collected on the sale of tires and
15	deposited in the fund provided for in Subsection G of this Section shall be used to
16	encourage the development of products which are marketable and provide a
17	beneficial use and for promotion of those products which have a beneficial use. The
18	department shall make recommendations to the House Committee on Natural
19	Resources and Environment and Senate Committee on Environmental Quality for tax
20	credits to encourage the development and implementation of technologies utilizing
21	used and recycled tire rubber. Upon expiration of the term provided for in this
22	Subsection, any unexpended and unobligated monies deposited in the Waste Tire
23	Management Fund pursuant to this Subsection in excess of five hundred thousand
24	shall be available for expenditure pursuant to Subsection G of this Section.
25	* * *
26	(6) Establishing a priority system for the clean up of existing waste tires.
27	Establish a procedure for accepting voluntary payments from tire retailers to defray
28	the costs of transporting and recycling tires collected at those facilities.
29	* * *

# Page 2 of 5

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3 (2) A permitted waste tire processing facility shall be paid a minimum of 4 seven and a half cents per pound of waste tire material that is recycled or that reaches 5 end-market end market uses or per pound of whole waste tires marketed and shipped 6 to a qualified recycler that are recycled or that reaches end market uses. This 7 payment shall be made to the facility on or before the twelfth day of the month 8 following the submission of the request for payment and shall be conditioned on the 9 facility providing to the department any documentation, including but not limited to 10 manifests, statements, or certified scale-weight tickets, required by law or by rules and regulations promulgated by the department.

12 (3)(a) In the event the balance of the fund is insufficient to meet the 13 obligations to waste tire processors provided for above in Paragraph (2) of this Subsection, the department, after meeting all payments required by law, shall pay 14 15 any undisputed obligations in a pro rata share to waste tire processors having a 16 standard permit when the request for payment was submitted. Any remaining 17 undisputed obligations which would have been paid to waste tire processors but for 18 the insufficiency of the Waste Tire Management Fund shall be paid from future 19 surplus funds in the Waste Tire Management Fund as provided in Subparagraph (b) 20 of this Paragraph. However, beginning August 1, 2013, such payments shall be 21 applied in priority from the earliest incurred undisputed obligation to the most 22 current undisputed obligation.

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24 N. The secretary shall promulgate rules to make payments to processors on 25 the basis of weight or tire count at the option of the processor. Payments to a waste 26 tire processor, or any portion thereof, shall not be temporarily or permanently 27 withheld or terminated prior to written notification by the department of the reasons 28 for such withholding or termination to the processor by certified mail. Any such

#### Page 3 of 5

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disputed funds shall be immediately placed in escrow pending final resolution of the matter.

\* 3 4 Section 2. The Department of Environmental Quality shall initiate the rulemaking 5 process pursuant to R.S. 49:953 to implement the provisions of Section 1 of this Act and 6 shall submit the report required pursuant to R.S. 49:968(D) to the House Committee on 7 Natural Resources and Environment and the Senate Committee on Environmental Quality 8 by December 31, 2013. 9 Section 3.A. The Waste Tire Program Task Force is hereby created and charged with 10 the responsibilities to study, report, and make recommendations on the Department of 11 Environmental Quality's waste tire program, including the laws, rules, and regulations 12 governing the program and the fee structure and financial obligations of the program, and 13 to submit a report of its findings and recommendations to the House Committee on Natural 14 Resources and Environment and the Senate Committee on Environmental Quality on or 15 before February 15, 2014. 16 B. The Waste Tire Program Task Force shall be composed of the following 17 members: 18 (1) The secretary of the Department of Environmental Quality; or her designee. 19 (2) The chairman of the House Committee on Natural Resources and Environment, 20 or his designee. 21 (3) The chairman of the Senate Committee on Environmental Quality, or his 22 designee. 23 (4) A representative appointed by the governor. 24 (5) A representative appointed by the Louisiana Motor Transport Association. 25 A representative appointed by the Louisiana Independent Tire Dealers (6) 26 Association. 27 (7) A representative appointed by each of the waste tire processors permitted as of 28 May 1, 2013. 29 C. Task force members shall serve without compensation, except per diem or 30 expense reimbursement to which they may be individually entitled as members of their

#### Page 4 of 5

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HB NO. 591

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1	constituent organizations. The secretary of the Department of Environmental Quality, or her
2	designee, shall serve as chairman of the task force and at the first meeting, the task force
3	shall elect a vice chairman. The task force shall hold its first meeting by August 31, 2013,
4	shall meet as necessary to complete its responsibilities, and shall disband upon submitting
5	the report as provided in this Section.

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

## PRESIDENT OF THE SENATE

## GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_