

Regular Session, 2013

ACT No. 323

HOUSE BILL NO. 591

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

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.

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

(3)(a) In the event the balance of the fund is insufficient to meet the 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 any undisputed obligations in a pro rata share to waste tire processors having a standard permit when the request for payment was submitted. Any remaining undisputed obligations which would have been paid to waste tire processors but for the insufficiency of the Waste Tire Management Fund shall be paid from future surplus funds in the Waste Tire Management Fund as provided in Subparagraph (b) of this Paragraph. However, beginning August 1, 2013, such payments shall be applied in priority from the earliest incurred undisputed obligation to the most current undisputed obligation.

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

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: _____