

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 955

By: Muegge and Bell of the  
Senate

and

Voskuhl of the House

COMMITTEE SUBSTITUTE

An Act relating to waste tires; amending 68 O.S. 1991, Sections 53002, as amended by Section 192, Chapter 145, O.S.L. 1993, 53003, as last amended by Section 42, Chapter 324, O.S.L. 1993, 53005, as amended by Section 195, Chapter 145, O.S.L. 1993, 53006, as amended by Section 196, Chapter 145, O.S.L. 1993, 53007, as amended by Section 197, Chapter 145, O.S.L. 1993, and 53008, as amended by Section 198, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Sections 2-11-402, 2-11-403, 2-11-405, 2-11-406, 2-11-407 and 2-11-408), which relate to the Oklahoma Waste Tire Recycling Act; defining term; authorizing certain facilities to access the Waste Tire Recycling Fund and be compensated from said fund; modifying certain percentage of tires required to be collected from tire dumps; authorizing certain facilities to be compensated at a certain rate; providing for waste tire user facilities to make certain application to Department of Environmental Quality; providing for Department to evaluate certain facility; amending 63 O.S. 1991, Section 1-2324, as amended by Section 159, Chapter 145, O.S.L. 1993, and renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-10-602), which relates to the Conservation Commission; modifying use of tires; requiring certain best management practices; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 53002, as amended by Section 192, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-402), is amended to read as follows:

Section 2-11-402. As used in the Oklahoma Waste Tire Recycling Act:

1. "New tire" means an originally manufactured tire and shall not include any remanufactured, recapped or otherwise restored tire;

2. "Tires" means any solid or air-filled coverings for motor vehicle wheels; ~~and~~

3. "Waste tire facility" means any place which is permitted as a solid waste disposal site, in accordance with the Oklahoma Solid Waste Management Act, at which discarded tires are collected or deposited for processing, by shredding or other technology which alters the form of the tires, for the purpose of facilitating the future extraction of useful materials for recycling, reuse or energy recovery; and

4. "Waste tire reuse facility" means any place at which tires are processed and products are manufactured from waste tire material that permanently removes such material from the waste stream.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 53005, as amended by Section 195, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-405), is amended to read as follows:

Section 2-11-405. A. Of the monies accruing annually to the Waste Tire Recycling Indemnity Fund, four percent (4%) thereof shall be available to the Oklahoma Tax Commission and four percent (4%) thereof shall be available to the Department of Environmental Quality for the purpose of administering the requirements of the Oklahoma Waste Tire Recycling Act.

B. The remaining monies in the Waste Tire Recycling Indemnity Fund shall be allocated pursuant to the provisions of the Waste Tire Recycling Act to waste tire facilities or waste tire reuse facilities which, through the filing of appropriate applications, reports, and other documentation that may be required by the Department of Environmental Quality, demonstrate that such facilities have successfully processed discarded vehicle tires to make the tires available and accessible for recycling, reuse or energy recovery or have used waste tire material in a production

process that permanently removes such waste tire material from the waste stream.

SECTION 3. AMENDATORY 68 O.S. 1991, Section 53006, as amended by Section 196, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-406), is amended to read as follows:

Section 2-11-406. A. 1. Waste tire facilities and waste tire reuse facilities shall be compensated from the Waste Tire Recycling Indemnity Fund, for processing tires discarded in the State of Oklahoma to the extent that funds are therein contained, at a rate not to exceed one-half dollar (\$0.50) for each such tire processed in any calendar year by the facility as demonstrated through the application and submission of documentation to the Department of Environmental Quality.

2. In order to qualify for such compensation, the applicant shall demonstrate that over the life of the facility prior to each request for compensation, at least ~~twenty-five percent (25%)~~ ten percent (10%) of the tires processed by the waste tire facility were collected from tire dumps as identified through placement on a priority enforcement list by the Department of Environmental Quality.

B. 1. In addition to the compensation authorized by subsection A of this section, any waste tire facility and waste tire reuse facility that is in good standing with the Department of Environmental Quality shall be eligible for additional compensation at the rate of thirty-five cents (\$0.35) per processed tire for the collection and transportation of discarded vehicle tires obtained from dealers, solid waste landfill sites, dumps certified by the Department of Environmental Quality enforcement priority list, municipalities and county designated collection sites and delivering such tires to the waste tire facility. The collection and transportation of discarded vehicle tires must be on a statewide basis and shall be provided by the waste tire facility at no additional cost to a participating dealer. The Department of Environmental Quality shall not require

a waste tire facility to collect less than one thousand discarded vehicle tires at any one location.

2. To be eligible for compensation pursuant to this subsection, the waste tire facility shall demonstrate to the satisfaction of the Department of Environmental Quality, that such facility is regularly engaged in the collection, transportation and delivery of discarded vehicle tires, on a statewide basis, and from each county of the state.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 53007, as amended by Section 197, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-407), is amended to read as follows:

Section 2-11-407. A. 1. A waste tire facility or a waste tire reuse facility desiring to be compensated from the Waste Tire Recycling Indemnity Fund for the purposes authorized by Section ~~196 of this act~~ 2-11-406 of this title, shall first make application to the Department of Environmental Quality on forms prescribed by the Department and containing such information as the Department determines is needed to comply with the Oklahoma Waste Tire Recycling Act.

2. On at least a quarterly basis, the Department of Environmental Quality shall evaluate applications and certify them to the Oklahoma Tax Commission.

B. Applicants for compensation for tire processing are encouraged to report tire processing activity in terms of weight. The Department of Environmental Quality shall certify the numbers of tires processed based on eighteen and seven-tenths (18.7) pounds per tire. The waste tire facility shall, in addition to any other information required by the Department, provide sufficient information to verify that the disposal site has processed vehicle tires into particles not larger than four (4) square inches and otherwise in accordance with the purposes of the Oklahoma Waste Tire Recycling Act. The waste tire reuse facility shall, in addition to any other information required by the Department, provide sufficient information to verify that the facility has processed waste tire material into particles or forms

that significantly modify waste tires into products such as construction materials, industrial or commercial supplies or any product.

C. Applicants, required by this act, desiring compensation for the collection, transportation and delivery of discarded ~~vehicle~~ tires shall, in addition to any other information required by the Department of Environmental Quality, submit a plan designating ~~statewide~~ collection routes, affidavits specifying the name of the entity from whom collection of the tires was made, and the number of discarded vehicle tires collected at each collection point.

SECTION 5. AMENDATORY 68 O.S. 1991, Section 53008, as amended by Section 198, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1993, Section 2-11-408), is amended to read as follows:

Section 2-11-408. A. Upon receiving applications properly certified by the Department of Environmental Quality and upon determining that there are sufficient monies in the Waste Tire Recycling Indemnity Fund, the Oklahoma Tax Commission shall compensate waste tire facilities and waste tire reuse facilities as applicable for:

1. Processing the number of tires documented in the application at the rate of ~~one-half-dollar~~ fifty-cents (\$0.50) per tire; and

2. The collection, transportation and delivery of discarded ~~vehicle~~ tires documented in the application at the rate of thirty-five cents (\$0.35) per tire. This amount shall not be payable, however, unless and until such tires have been actually processed ~~into particles not larger than four (4) square inches.~~

B. If the Indemnity Fund contains less than this amount of funds in any quarter, then the Oklahoma Tax Commission shall apportion the payments among all the qualifying applicants according to the percentage of tires collected, transported, delivered or processed.

C. The Department of Environmental Quality shall evaluate each waste tire facility or waste tire reuse facility every three

(3) years. Upon completion of the evaluation, the Department shall recertify for compensation only those ~~waste-tire~~ facilities which have acted to provide for recycling, reuse, end use processing or energy recovery from discarded vehicle tires.

SECTION 6. AMENDATORY 63 O.S. 1991, Section 1-2324, as amended by Section 159, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (63 O.S. Supp. 1993, Section 2-10-602), is amended to read as follows:

Section 2-10-602. A. It shall be unlawful for any person to own or operate a site used for the storage, collection or disposal of more than fifty discarded vehicle tires under ten thousand (10,000) pounds except at a site or facility permitted to accept discarded vehicle tires by the Department.

B. The provisions of subsection A of this section shall not apply to:

1. The use of used tires for agricultural purposes as recognized by the State Department of Agriculture;

2. The use of used tires for erosion control, ~~bank stabilization and other conservation~~ projects if. The Oklahoma Conservation Commission shall establish best management practices for the use of used tires for erosion control and such use shall be practiced in accordance with a written conservation plan approved by an Oklahoma the local Conservation District; or

3. Tire manufacturers, retailers, wholesalers and retreaders who store 2,500 or fewer used tires at their place of business or designated off premise storage site.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.