

ENROLLED HOUSE  
BILL NO. 2989

By: Leist and Voskuhl of the  
House

and

Muegge of the Senate

An Act relating to environment and natural resources; amending 68 O.S. 1991, Sections 53005, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 5, Chapter 191, O.S.L. 1995, 53007, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 7, Chapter 191, O.S.L. 1995, and 53008, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 8, Chapter 191, O.S.L. 1995 (27A O.S. Supp. 1995, Sections 2-11-405, 2-11-407 and 2-11-408), which relate to the Oklahoma Waste Tire Recycling Program; authorizing certain legal entities to receive reimbursement from the Waste Tire Recycling Indemnity Fund; requiring certain application; providing for certain process and procedures; providing for certain reports and certifications for tire processing activities; providing for mechanisms for determining reimbursement; requiring certain information; providing for certain permits or other authorizations for services for erosion control, bank stabilization and other conservation projects; specifying grounds and conditions for receiving reimbursements; restricting processing and reimbursement for use of certain tires; requiring certain demonstration; requiring certain compliance; authorizing reimbursement by Oklahoma Tax Commission; specifying rate amount; requiring actual process and utilization; providing for evaluation and recertification; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 68 O.S. 1991, Section 53005, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 5, Chapter 191, O.S.L. 1995 (27A O.S. Supp. 1995, 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. In addition, an amount not to exceed Fifty Thousand Dollars (\$50,000.00) per required audit shall be available to the State Auditor and Inspector for the purpose of

conducting audits of the Oklahoma Waste Tire Recycling Program pursuant to Section 2-11-411 of this title.

B. Of the ninety-two percent (92%) of the remaining monies in the Waste Tire Recycling Indemnity Fund, ten percent (10%) shall be allocated to businesses located in Oklahoma who manufacture new products or derive energy benefits from waste tires which have been processed according to the requirements of the Oklahoma Waste Tire Recycling Act. Such businesses shall be eligible for compensation in a total amount not to exceed fifty percent (50%) of their capital investment in equipment necessary to utilize processed waste tires purchased on or after January 1, 1995, at a rate of Twenty Dollars (\$20.00) per ton of processed waste tires consumed in the manufacturing process. Funds shall be awarded based on a proportionate share of the funds available and based on the relative amount of each capital investment. Such businesses may apply for compensation monthly to the Oklahoma Tax Commission, and shall supply any information required by the Commission to document compliance with the provisions of the Oklahoma Waste Tire Recycling Indemnity Act.

C. The balance of the monies remaining in the Waste Tire Recycling Indemnity Fund shall be allocated pursuant to the provisions of the Oklahoma Waste Tire Recycling Act to waste tire facilities or persons, corporations or other legal entities authorized by the provisions of the Oklahoma Waste Tire Recycling Act to receive reimbursement which, through the filing of appropriate applications, reports, and other documentation that may be required by the Department of Environmental Quality pursuant to the Oklahoma Waste Tire Recycling Act, demonstrate that such facilities or legal entities have successfully processed discarded vehicle tires pursuant to the Oklahoma Waste Tire Recycling Act.

SECTION 2. AMENDATORY 68 O.S. 1991, Section 53007, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 7, Chapter 191, O.S.L. 1995 (27A O.S. Supp. 1995, Section 2-11-407), is amended to read as follows:

Section 2-11-407. A. 1. A waste tire facility or person, corporation or other legal entity authorized to receive reimbursement, pursuant to Section 3 of this act, desiring to be compensated from the Waste Tire Recycling Indemnity Fund shall first make application to the Oklahoma Tax Commission on forms prescribed by the Tax Commission containing documentation as required by the Oklahoma Waste Tire Recycling Act and such other information as the Tax Commission determines is needed to comply with the Oklahoma Waste Tire Recycling Act.

2. On at least a monthly basis, the Tax Commission shall evaluate and process applications.

B. ~~Applicants for compensation~~ 1. Waste tire facilities shall report and certify tire processing activity in terms of weight. The waste tire facility shall by sworn affidavit provide sufficient information to verify that the facility has processed tires and sold processed tires for actual recycling or reuse in accordance with the purposes of the Waste Tire Recycling Act. To be eligible for compensation, a waste tire facility shall not have accumulated more processed material than the amount for which they have provided financial assurance under their solid waste permit or the amount accumulated from three (3) years of operation, whichever is less.

2. Legal entities authorized to receive reimbursement pursuant to Section 3 of this act shall report and certify tire processing activity by number of tires processed. Such legal entities shall by sworn affidavit provide sufficient information to verify that such

legal entity has processed the tires in accordance with Section 3 of this act.

C. Applicants for compensation ~~for the collection, transportation and delivery of waste tires~~ shall submit dealer certification when applicable, affidavits specifying the name of the entity from whom collection of the tires was made, and the number of discarded tires collected at each collection point.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-407.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any person, corporation or other legal entity who has obtained a permit or other authorization from the United States Army Corps of Engineers or a local Conservation District to provide services for erosion control, bank stabilization or other conservation projects shall be eligible for reimbursement from the Waste Tire Recycling Indemnity Fund if:

1. The legal entity collects or provides for the collection, processing and utilization of waste tires having a tire rim diameter of greater than seventeen and one-half (17 1/2) inches pursuant to the provisions of the Oklahoma Waste Tire Recycling Act in an erosion control, bank stabilization or other conservation project in accordance with a written conservation plan approved by the United States Army Corps of Engineers or by a local Conservation District;

2. The tires are processed on the site of the erosion control, bank stabilization or other conservation project; and

3. The legal entity completes and maintains the proper information and records as required by the Oklahoma Tax Commission and the Department of Environmental Quality pursuant to the Oklahoma Waste Tire Recycling Act and in all other manner complies with any storage, transportation and disposal requirements promulgated by the Department of Environmental Quality pursuant to the Oklahoma Environmental Quality Code.

B. 1. Any person, corporation or other legal entity meeting the requirements specified by this section shall be eligible for compensation from the Waste Tire Recycling Indemnity Fund, for processing tires having a tire rim diameter of greater than seventeen and one-half (17 1/2) inches discarded in this state to the extent that funds are therein contained, at a rate not to exceed One Dollar and fifty cents (\$1.50) per tire processed in any calendar year by the legal entity as demonstrated through the proper application and submission of proper documentation to the Oklahoma Tax Commission.

2. In addition to other requirements of the Oklahoma Waste Tire Recycling Act, in order to qualify for such compensation, the applicant shall demonstrate that over the life of the facility, prior to each request for compensation, all of the tires processed by the legal entity for which compensation is requested were collected from tire dumps or landfills as identified through placement on a priority enforcement list by the Department or community-wide cleanup events approved by the Department.

C. Compensation pursuant to this section shall be payable only for the tires collected and processed in accordance with the purposes of the Oklahoma Waste Tire Recycling Act and as authorized by the Department pursuant thereto.

SECTION 4. AMENDATORY 68 O.S. 1991, Section 53008, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 8, Chapter 191, O.S.L. 1995 (27A O.S. Supp. 1995, Section 2-11-408), is amended to read as follows:

Section 2-11-408. A. Upon receiving completed applications 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 any person, corporation or other legal entity authorized to receive reimbursement pursuant to Section 3 of this act as applicable for:

1. Processing the number of tires documented in the application at the rate of one-half dollar (\$0.50) per eighteen and seven-tenths (18.7) pounds of tires; ~~and~~

2. The collection, transportation and delivery of waste tires documented in the application at the rate of thirty-five cents (\$0.35) per eighteen and seven-tenths (18.7) pounds of tires. This amount shall not be payable, however, unless and until such tires have been actually processed according to the facility's solid waste permit; and

3. Collecting, processing and utilizing tires having a tire rim diameter of greater than seventeen and one-half (17 1/2) inches for erosion control, bank stabilization or other conservation projects pursuant to Section 3 of this act documented in the application at the rate of One Dollar and fifty cents (\$1.50) per tire. This amount shall not be payable unless and until such tires have been actually processed and utilized for the erosion control, bank stabilization or other conservation project, and the legal entity has otherwise complied with the provisions of Section 3 of this act.

B. If the Indemnity Fund contains insufficient funds in any month, 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 shall evaluate each waste tire facility and legal entity authorized to receive reimbursement pursuant to Section 3 of this act every three (3) years. Upon completion of the evaluation, the Department shall recertify for compensation only those waste tire facilities or other legal entities which have provided for recycling, reuse or energy recovery from waste tires.

SECTION 5. 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.

Passed the House of Representatives the 7th day of May, 1996.

Speaker of the House of  
Representatives

Passed the Senate the 8th day of May, 1996.

President of the Senate