

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE
SUBSTITUTE FOR ENGROSSED
HOUSE BILL NO. 1398

By: Walker of the House

and

Muegge of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to protection of the environment; authorizing Department of Environmental Quality to receive certain documented reimbursement; amending Section 3, Chapter 170, O.S.L. 1996, as last amended by Section 2, Chapter 380, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-407.1), which relates to the Waste Tire Recycling Indemnity Fund; modifying eligibility requirements for reimbursement from the fund; authorizing political subdivisions to obtain waste tire permits and receive compensation; providing restrictions on source of waste tires; requiring promulgation of rules; repealing Section 4, Chapter 191, O.S.L. 1995, as amended by Section 2, Chapter 159, O.S.L. 1997 (27A O.S. Supp. 2000, Section 2-11-403.1), which relates to Tire Recycling Fee Exemption Certificates; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-405.1 of Title 27A, unless there is created a duplication in numbering, reads as follows:

To the extent that monies accruing to the Waste Tire Recycling Indemnity Fund exceed the monies needed for the purposes specified by the Oklahoma Waste Tire Recycling Act and the provisions of this act, the Department of Environmental Quality may be reimbursed from the remaining funds for necessary costs associated with remediation of sites at which waste tires or other wastes incidental to the waste tires present a threat to human health or the environment. Upon its receipt of documentation from the Department showing

expenditures relating to the remediation of such sites, the Tax Commission shall reimburse the Department for its documented expenditures.

SECTION 2. AMENDATORY Section 3, Chapter 170, O.S.L. 1996, as last amended by Section 2, Chapter 380, O.S.L. 1999 (27A O.S. Supp. 2000, Section 2-11-407.1), is amended to read as follows:

Section 2-11-407.1 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 as the landowner or on behalf of the landowner to provide services for erosion control, bank stabilization or other conservation projects, on the property of the landowner, 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 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 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;

3. The ~~project includes the planting of~~ landowner agrees to plant trees or other suitable vegetation in accordance with a planting plan developed in conjunction with the Division of Forestry of the State Department of Agriculture; and

4. 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, to the extent that funds are therein contained for processing of waste tires discarded in this state having a tire rim diameter of greater than seventeen and one-half (17 1/2) inches at a rate not to exceed Two Dollars and twenty-five cents (\$2.25) per tire and for tires having a rim diameter less than or equal to seventeen and one-half (17 1/2) inches at a rate not to exceed forty-five cents (\$0.45) 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 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 the priority cleanup list or community-wide cleanup events approved by the Department.

C. 1. 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.

2. The Department may determine the amount of and authorize partial compensation, during the course of the project, as tires are processed in accordance with the written plan.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-11-407.2 of Title 27A, unless there is created a duplication in numbering, reads as follows:

A. Any unit of local or county government may apply to the Department of Environmental Quality for a waste tire permit to bale waste tires for use in approved engineering projects.

B. Any unit of local or county government that obtains a permit shall be eligible for, and the Tax Commission shall provide, compensation from the Waste Tire Recycling Indemnity Fund at the rate of fifty cents (\$0.50) per tire, subject to the same application, documentation and fund availability conditions specified in Section 2-11-407.1 and Section 2-11-408 of Title 27A of the Oklahoma Statutes.

C. Waste tires baled pursuant to this section cannot be obtained from tire manufacturers, retailers, wholesalers, retreaders, or parts dismantlers.

D. The Board of Environmental Quality shall promulgate rules necessary to implement the use of baled tires in accordance with the provisions of this section.

SECTION 4. REPEALER Section 4, Chapter 191, O.S.L. 1995, as amended by Section 2, Chapter 159, O.S.L. 1997 (27A O.S. Supp. 2000, Section 2-11-403.1), is hereby repealed.

SECTION 5. This act shall become effective November 1, 2001.

48-1-7148 KSM 6/12/15