

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1217

By: Cooksey

AS INTRODUCED

An Act relating to environment; amending 27A O.S. 2001, Sections 2-11-409 and 2-11-413, which relate to the Oklahoma Waste Tire Recycling Act; modifying rulemaking authority; requiring certain approvals for transportation or storage of certain waste; and providing an effective date.

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

SECTION 1. AMENDATORY 27A O.S. 2001, Section 2-11-409, is amended to read as follows:

Section 2-11-409. A. The Oklahoma Tax Commission shall promulgate rules to carry out the provisions of the Oklahoma Waste Tire Recycling Act which pertain to the remittance of fees and to the allocation of monies accruing to the Waste Tire Recycling Indemnity Fund.

B. The Board of Environmental Quality shall promulgate rules to carry out the provisions of the Oklahoma Waste Tire Recycling Act ~~which pertain to the permitting and certifying of waste tire facilities.~~

SECTION 2. AMENDATORY 27A O.S. 2001, Section 2-11-413, is amended to read as follows:

Section 2-11-413. A. Except as otherwise provided by this section, it shall be unlawful for any person to:

1. Own or operate a site used for the storage, collection, or disposal of more than fifty waste tires except ~~at a site or facility permitted as approved~~ by the Department of Environmental Quality ~~to accept waste tires; however, the~~. The provisions of this paragraph

shall not apply to tire manufacturers, retailers, wholesalers and retreaders who store two thousand five hundred or fewer waste tires at their place of business or designated off-premises storage site;

2. Dispose of waste tires at any ~~site or facility other than a site or facility for which a permit has been issued~~ location which has not been approved by the Department;

3. Knowingly transport or knowingly allow waste tires under ~~his~~ their control or in ~~his~~ their possession to be transported to ~~an unpermitted site or facility~~ any location which has not been approved by the Department; or

4. Remove more than ten used tires from a tire dealer's possession unless a manifest form, approved by the Department, which documents the removal and ~~approve~~ approved disposition or sale of the tires is provided by the dealer. Dealers, haulers, and waste tire facilities shall keep copies of manifests available for inspection for five (5) years.

B. The provisions of paragraphs 1 through 4 of subsection A of this section shall not apply to:

1. The use of waste tires for agricultural purposes as recognized by the ~~State~~ Oklahoma Department of Agriculture, Food, and Forestry; or

2. The use of waste tires for erosion control, bank stabilization and other conservation projects if practiced in accordance with a written plan approved by the U.S. Army Corps of Engineers or the local Conservation District in accordance with designated best management practices established for such uses by the Oklahoma Conservation Commission.

C. The provisions of paragraphs 2 and 3 of subsection A of this section shall not be construed so as to prevent an individual from disposing of waste tires previously used by the individual as vehicle or equipment tires; provided such disposal is upon property

owned by such individual and such disposal does not create a nuisance or pose a hazard to the public health or environment.

D. 1. Except as otherwise ordered by the court, if the administrative enforcement process for a violation of an order issued by the Department for remediation, corrective action or cleanup of an illegal tire dump has been exhausted, the Department or a representative of the Department, upon notice to the landowner and an opportunity to be heard on the issue, may enter the property to clean up the tire dump.

2. The Department may initiate a court action to recover the actual cost of cleanup, attorney fees, court costs, and all other monies expended in connection with the cleanup.

3. The Department shall deposit any funds recovered through such action into the Waste Tire Recycling Indemnity Fund.

SECTION 3. This act shall become effective November 1, 2005.

50-1-5999          SBH          01/03/05