

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3102

By: Jackson and McNeil of the
House

and

Brooks of the Senate

8 An Act relating to environment and natural resources;
amending 27A O.S. 2011, Section 2-11-401.4, which
9 relates to the Oklahoma Used Tire Recycling Act;
deleting limit for certain allocations; and providing
10 an effective date.

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13 AUTHORS: Add the following Senate Coauthors: Paddack and Sparks
14 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

15
16 "An Act relating to environment and natural
resources; amending 27A O.S. 2011, Sections 2-11-
401.4 and 2-11-401.5, which relate to the Oklahoma
17 Used Tire Recycling Act; deleting limit for certain
allocations; modifying distribution of monies for
18 certain purposes; authorizing allocation of certain
monies for projects to increase market demand for
19 certain waste tire products; authorizing promulgation
of rules; stating preference; and providing an
20 effective date.

21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 27A O.S. 2011, Section 2-11-401.4,
24 is amended to read as follows:

1 Section 2-11-401.4. A. Compensation to used tire facilities
2 and tire-derived fuel or TDF facilities pursuant to this section
3 shall be limited to facilities located in Oklahoma. Compensation
4 for used tire activities pursuant to this section shall be limited
5 to used tires from Oklahoma. A used tire recycling facility or
6 tire-derived fuel or TDF facility may transport and deliver used
7 tires collected from Oklahoma to an out-of-state used tire recycling
8 facility or TDF facility but shall not be eligible for compensation
9 from the Used Tire Recycling Indemnity Fund for those used tires.
10 To be eligible, applicants for compensation shall be in compliance
11 with the Oklahoma Used Tire Recycling Act.

12 B. The monies accruing annually to the Used Tire Recycling
13 Indemnity Fund shall be allocated first to the Department of
14 Environmental Quality Revolving Fund, to be used for implementing
15 applicable requirements related to the control of mobile and area
16 sources of air emissions, for monitoring and modeling the impacts on
17 Oklahoma of air pollution from other states, and for implementing
18 and enforcing other applicable air pollution control requirements.
19 The amount of money allocated for this purpose shall be twenty-eight
20 percent (28%) of the funds produced by the two-dollar-and-fifty-cent
21 per tire fee assessed pursuant to division (1) of subparagraph a of
22 paragraph 1 of subsection A of Section 2-11-401.2 of this title and
23 subparagraph b of paragraph 1 of subsection A of Section 2-11-401.2

24

1 of this title. After this allocation is deducted, the balance of
2 the monies shall be allocated as follows:

3 1. Two and one-fourth percent (2.25%) to the Oklahoma Tax
4 Commission and five and three-fourths percent (5.75%) to the
5 Department of Environmental Quality for the purpose of administering
6 the requirements of the Oklahoma Used Tire Recycling Act; and

7 2. An amount not to exceed Fifty Thousand Dollars (\$50,000.00)
8 per audit to the State Auditor and Inspector for the purpose of
9 conducting audits of the Oklahoma Used Tire Recycling Program
10 pursuant to Section 2-11-401.6 of this title; ~~and~~

11 ~~3. Up to ten percent (10%) for capital investment reimbursement~~
12 ~~to used tire facilities and TDF facilities for the purchase of~~
13 ~~equipment necessary to utilize used tires. Only equipment purchased~~
14 ~~on or after January 1, 1995, shall be eligible. The facilities are~~
15 ~~eligible for compensation at a rate of Twenty Dollars (\$20.00) per~~
16 ~~ton of used tires used. Total reimbursement shall not exceed one~~
17 ~~hundred percent (100%) of the capital investment in eligible~~
18 ~~equipment. The facilities may apply for compensation monthly to the~~
19 ~~Department of Environmental Quality, and shall supply any~~
20 ~~information required by the Department.~~

21 C. After the allocations under subsection B of this section are
22 made, the balance of monies in the Fund shall be available for
23 compensation pursuant to the provisions of the Oklahoma Used Tire
24 Recycling Act as follows:

1 1. Compensation to used tire facilities for used tire
2 processing, at the rate of Fifty-four Dollars (\$54.00) per ton of
3 processed tire material. For compensation the following conditions
4 shall apply:

5 a. facilities that process used tires by altering the
6 form of the used tires but do not produce crumb rubber
7 shall not receive compensation until the facility
8 documents the sale and movement of the processed used
9 tire material off-site to a third party,

10 b. facilities shall report and certify used tire
11 processing activity in terms of weight. The facility
12 shall by sworn affidavit provide to the Department
13 sufficient information to verify that the facility has
14 processed used tires and sold processed used tires for
15 actual recycling or reuse in accordance with the
16 purposes of the Oklahoma Used Tire Recycling Act, and

17 c. to be eligible for compensation, a facility shall not
18 have accumulated more processed material than the
19 amount for which the facility has provided financial
20 assurance under its solid waste permit or the amount
21 accumulated from three (3) years of operation,
22 whichever is less;

23 2. a. Compensation to used tire recycling facilities or TDF
24 facilities at the rate of Fifty-three Dollars (\$53.00)

1 per ton of whole used tires for the collection and
2 transportation of used tires from Oklahoma tire
3 dealers, automotive dismantlers and parts recyclers,
4 solid waste landfill sites, and dumps certified by the
5 Department priority cleanup list, and delivering the
6 tires to a used tire recycling facility or TDF
7 facility. The collection and transportation of used
8 tires shall be provided by the used tire recycling
9 facility or TDF facility at no additional cost to the
10 tire dealer or automotive dismantler and parts
11 recycler or to the Fund. The used tire recycling
12 facility or TDF facility shall collect from any
13 location at which there are at least three hundred
14 used tires.

15 b. Compensation under this paragraph shall not be payable
16 until the used tires have been actually processed
17 according to the solid waste permit for the facility
18 or actually used for energy or fuel recovery. A TDF
19 facility that collects and transports whole used tires
20 shall be eligible for compensation under this
21 paragraph only for those whole used tires consumed by
22 that facility.

23 c. No tire dealer shall charge any customer any
24 additional fee for the management, recycling, or

1 disposal of any used tire upon which the used tire
2 recycling fee has been remitted to the Tax Commission.
3 For customers who choose not to leave a used tire upon
4 which the used tire recycling fee has been remitted to
5 the Tax Commission, the tire dealer shall issue a
6 receipt which entitles the customer to deliver the
7 used tire to the dealer at a later date.

8 d. To be eligible for compensation pursuant to this
9 paragraph, the used tire recycling facility or TDF
10 facility shall:

11 (1) demonstrate to the satisfaction of the Department
12 that the facility is regularly engaged in the
13 collection, transportation and delivery of used
14 tires to a used tire recycling facility or to a
15 TDF facility, on a statewide basis, and from each
16 county of the state,

17 (2) provide documentation to the Department, signed
18 by a dealer at the time of collection, which
19 certifies remittance of appropriate fees to the
20 Oklahoma Tax Commission as a participating tire
21 dealer pursuant to the provisions of the Oklahoma
22 Used Tire Recycling Act, and

23 (3) annually demonstrate that at least three to six
24 percent (3-6%) of the tires were collected from

1 tire dumps or landfills on the Department
2 priority cleanup list or community-wide cleanup
3 events approved by the Department. The
4 Department is authorized to determine
5 periodically the applicable percentage within the
6 specified range set forth in this division based
7 on the number of tires remaining in illegal dumps
8 and available funding.

9 e. In lieu of proof of remitted tire recycling fees, the
10 used tire recycling facility or TDF facility shall
11 accept proof of purchase of a salvage vehicle
12 registered in Oklahoma by an automotive dismantler and
13 parts recycler, licensed pursuant to the Automotive
14 Dismantlers and Parts Recycler Act, for the collection
15 and transportation of up to five used tires per
16 salvage vehicle purchased on or after January 1, 1996.

17 f. Beginning July 1, 2010, a used tire recycling facility
18 or TDF facility shall be required to collect and
19 transport tires used on implements of husbandry and
20 agricultural equipment that are not more than fourteen
21 (14) inches wide and forty-four (44) inches in
22 diameter. Beginning July 1, 2013, a used tire
23 recycling facility or TDF facility shall be required
24 to collect and transport tires used on implements of

1 husbandry and agricultural equipment that are any
2 size;

3 3. a. Compensation to a person, corporation or other legal
4 entity who has obtained a permit or other
5 authorization from the United States Army Corps of
6 Engineers or a local Conservation District to provide
7 services for erosion control projects. Compensation
8 shall be at the rate of Two Dollars and eighty cents
9 (\$2.80) per tire for used tires having a tire rim
10 diameter of greater than seventeen and one-half (17
11 1/2) inches, and eighty cents (\$0.80) per tire for
12 tires having a rim diameter less than or equal to
13 seventeen and one-half (17 1/2) inches.

14 b. Reimbursement under this paragraph shall be subject to
15 the following:

16 (1) the applicant for reimbursement collects or
17 provides for the collection and utilization of
18 used tires in an erosion control project in
19 Oklahoma in accordance with a written plan
20 approved by the United States Army Corps of
21 Engineers or by a local Conservation District,

22 (2) the used tires are collected and transported to
23 the site of the erosion control project,
24

1 (3) the site landowner agrees to plant trees or other
2 suitable vegetation in accordance with a planting
3 plan developed in conjunction with the Division
4 of Forestry of the Oklahoma Department of
5 Agriculture, Food, and Forestry,

6 (4) the applicant reports and certifies the number of
7 used tires utilized. The applicant shall by
8 sworn affidavit provide to the Department
9 sufficient information to verify that the
10 applicant has utilized the tires in accordance
11 with the purposes of the Oklahoma Used Tire
12 Recycling Act,

13 (5) the applicant annually demonstrates that at least
14 three to six percent (3-6%) of the tires utilized
15 by the applicant for which compensation is
16 requested were collected from tire dumps or
17 landfills on the Department priority cleanup list
18 or community-wide cleanup events approved by the
19 Department. The Department is authorized to
20 determine periodically the applicable percentage
21 within the specified range as set forth in this
22 division based on the number of tires remaining
23 in illegal dumps and available funding,

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1 (6) the applicant demonstrates to the satisfaction of
2 the Department that the applicant is regularly
3 engaged in the collection, transportation and
4 delivery to erosion control projects of used
5 tires, on a statewide basis, and from each county
6 of the state, at no additional cost to the tire
7 dealer or automotive dismantler and parts
8 recycler or to the Fund, and

9 (7) the applicant provides documentation to the
10 Department, signed by a dealer at the time of
11 collection, which certifies remittance of
12 appropriate fees to the Oklahoma Tax Commission
13 as a participating tire dealer pursuant to the
14 provisions of the Oklahoma Used Tire Recycling
15 Act.

16 c. In lieu of proof of remitted tire recycling fees, the
17 applicant shall accept proof of purchase of a salvage
18 vehicle registered in Oklahoma by an automotive
19 dismantler and parts recycler, licensed pursuant to
20 the Automotive Dismantlers and Parts Recycler Act, for
21 the collection and transportation of up to five used
22 tires per salvage vehicle purchased on or after
23 January 1, 1996.
24

1 d. Compensation pursuant to this paragraph shall be
2 payable only for the tires collected and utilized in
3 accordance with the purposes of the Oklahoma Used Tire
4 Recycling Act and as authorized by the Department.
5 During the course of the erosion control project, the
6 Department may determine the amount of and authorize
7 partial compensation, as tires are utilized in
8 accordance with the written plan.

9 e. Any entity deemed eligible for reimbursement under the
10 provisions of this paragraph shall be liable for the
11 erosion control project for a period of five (5)
12 years. During the five-year period, if additional
13 cleanup or remediation of an erosion control project
14 is required due to failure or negligence on the part
15 of the original contractor, the original contractor
16 shall be responsible for cleanup costs and shall not
17 be eligible for any additional compensation from the
18 Fund for costs related to that erosion control
19 project;

20 4. a. Compensation to a unit of local or county government
21 that submits to the Department for approval a plan for
22 the use of baled used tires in an engineering project.
23 Compensation shall be at the rate of fifty cents
24 (\$0.50) per tire.

- 1 b. The plan shall be approved by the Department before
2 construction of the project begins.
- 3 c. Any unit of local or county government baling used
4 tires shall not accumulate more than fifty used tire
5 bales prior to beginning construction of an approved
6 project.
- 7 d. Used tires baled pursuant to this paragraph cannot be
8 obtained from tire manufacturers, retailers,
9 wholesalers, retreaders, or automotive dismantlers and
10 parts recyclers.
- 11 e. Any unit of local or county government authorized to
12 receive reimbursement for the use of baled used tires
13 in an engineering project shall report and certify
14 whole used tires by number. The governmental unit
15 shall by sworn affidavit provide sufficient
16 information to the Department to verify that the unit
17 has utilized the tires in accordance with the purposes
18 of the Oklahoma Used Tire Recycling Act; and

19 5. If the Fund contains insufficient funds in any month to
20 satisfy the eligible reimbursements under this subsection, the
21 Department shall determine the apportionment of payments to be made
22 among the qualified applicants under this subsection according to
23 the percentage of used tires processed, collected and transported,
24 or utilized.

1 D. 1. After the allocations under subsections B and C of this
2 section are made, any remaining monies in the Fund shall be
3 available for TDF facilities and used tire recycling facilities that
4 produce crumb rubber for compensation at the rate of Twenty-nine
5 Dollars (\$29.00) per ton of processed or used tires utilized for
6 energy or fuel recovery or the production of crumb rubber.

7 2. The production of crumb rubber shall be considered a
8 compensable event separate from and in addition to any compensation
9 for used tire processing under subsection C of this section.

10 3. TDF facilities and used tire recycling facilities authorized
11 to receive reimbursement under this subsection shall report and
12 certify tire material used by weight.

13 4. The facilities shall by sworn affidavit provide to the
14 Department sufficient information to verify that the facility has
15 used the tires in accordance with the purposes of the Oklahoma Used
16 Tire Recycling Act.

17 5. If the Fund contains insufficient funds in any month to
18 satisfy the eligible reimbursements under this subsection, the
19 Department shall determine the apportionment of payments to be made
20 among the qualified applicants according to the percentage of used
21 tires intended for energy or fuel recovery or the production of
22 crumb rubber.

23 E. 1. After the allocations under subsections B, C and D of
24 this section are made, any remaining monies in the Fund shall be

1 available for capital investment reimbursement to used tire
2 facilities and TDF facilities for the purchase of equipment
3 necessary to utilize used tires. Only equipment purchased on or
4 after January 1, 1995, shall be eligible. The facilities are
5 eligible for compensation at a rate of Twenty Dollars (\$20.00) per
6 ton of used tires used. Total reimbursement shall not exceed one
7 hundred percent (100%) of the capital investment in eligible
8 equipment. The facilities may apply for compensation monthly to the
9 Department of Environmental Quality and shall supply any information
10 required by the Department.

11 2. If the Fund contains insufficient funds in any month to
12 satisfy the eligible reimbursements under this subsection, the
13 Department shall determine the apportionment of payments to be made
14 among the qualified applicants.

15 F. After the allocations under subsections B, C ~~and~~, D and E of
16 this section are made, any remaining monies in the Fund shall be
17 disbursed as additional compensation to used tire recycling
18 facilities or TDF facilities for the remediation of dumps certified
19 by the Department and delivering the tires to a used tire recycling
20 facility or a TDF facility. The Department shall determine
21 additional compensation made to qualified applicants under this
22 subsection based on cleanup feasibility of the dump. By July 1,
23 2012, the Board shall promulgate rules establishing unit costs for
24 compensation based on the remediation feasibility of the tire dumps.

1 The Department may solicit bids for the remediation of tire dumps if
2 no used tire recycling facilities or TDF facilities agree to
3 remediate a priority tire dump authorized by the Department or if
4 the Department determines the qualified applicant has not remediated
5 the tires in the tire dump to meet reference conditions of
6 comparable property in the immediate area.

7 ~~F.~~ G. Used tire recycling facilities, TDF facilities, or
8 persons, corporations or other legal entities authorized by the
9 provisions of the Oklahoma Used Tire Recycling Act to receive
10 reimbursement shall demonstrate that the facilities or legal
11 entities have successfully complied with the requirements of the
12 Oklahoma Used Tire Recycling Act through the filing of appropriate
13 applications, reports, and other documentation that may be required
14 by the Tax Commission and the Department.

15 SECTION 2. AMENDATORY 27A O.S. 2011, Section 2-11-401.5,
16 is amended to read as follows:

17 Section 2-11-401.5. To the extent that monies accruing to the
18 Used Tire Recycling Indemnity Fund exceed the monies needed for the
19 purposes previously specified in the Oklahoma Used Tire Recycling
20 Act, the Department of Environmental Quality may be reimbursed from
21 the remaining funds for necessary costs associated with remediation
22 of sites at which used tires or other wastes incidental to the used
23 tires present a threat to human health or the environment, or for
24 projects to increase market demand for products made from Oklahoma

1 used tires. The Solid Waste Management Advisory Council shall
2 recommend and the Environmental Quality Board shall adopt rules
3 governing the types of market development projects that may qualify
4 for reimbursement. To the extent possible, the rules shall favor
5 and the Department shall prioritize projects with the greatest
6 potential to benefit schools, communities and local governments.
7 Upon its receipt of documentation from the Department showing
8 expenditures relating to the remediation of such sites or market
9 development projects, the Tax Commission shall reimburse the
10 Department for its documented expenditures.

11 SECTION 3. This act shall become effective November 1, 2014."

12 Passed the Senate the 16th day of April, 2014.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2014.

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Presiding Officer of the House
of Representatives

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1 ENGROSSED HOUSE
2 BILL NO. 3102

By: Jackson and McNeil of the
House

3 and

4 Brooks of the Senate
5
6
7

8 An Act relating to environment and natural resources;
9 amending 27A O.S. 2011, Section 2-11-401.4, which
10 relates to the Oklahoma Used Tire Recycling Act;
11 deleting limit for certain allocations; and providing
12 an effective date.

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

14 SECTION 4. AMENDATORY 27A O.S. 2011, Section 2-11-401.4,
15 is amended to read as follows:

16 Section 2-11-401.4 A. Compensation to used tire facilities and
17 tire-derived fuel or TDF facilities pursuant to this section shall
18 be limited to facilities located in Oklahoma. Compensation for used
19 tire activities pursuant to this section shall be limited to used
20 tires from Oklahoma. A used tire recycling facility or tire-derived
21 fuel or TDF facility may transport and deliver used tires collected
22 from Oklahoma to an out-of-state used tire recycling facility or TDF
23 facility but shall not be eligible for compensation from the Used
24 Tire Recycling Indemnity Fund for those used tires. To be eligible,

1 applicants for compensation shall be in compliance with the Oklahoma
2 Used Tire Recycling Act.

3 B. The monies accruing annually to the Used Tire Recycling
4 Indemnity Fund shall be allocated first to the Department of
5 Environmental Quality Revolving Fund, to be used for implementing
6 applicable requirements related to the control of mobile and area
7 sources of air emissions, for monitoring and modeling the impacts on
8 Oklahoma of air pollution from other states, and for implementing
9 and enforcing other applicable air pollution control requirements.
10 The amount of money allocated for this purpose shall be twenty-eight
11 percent (28%) of the funds produced by the two-dollar-and-fifty-cent
12 per tire fee assessed pursuant to division (1) of subparagraph a of
13 paragraph 1 of subsection A of Section 2-11-401.2 of this title and
14 subparagraph b of paragraph 1 of subsection A of Section 2-11-401.2
15 of this title. After this allocation is deducted, the balance of
16 the monies shall be allocated as follows:

17 1. Two and one-fourth percent (2.25%) to the Oklahoma Tax
18 Commission and five and three-fourths percent (5.75%) to the
19 Department of Environmental Quality for the purpose of administering
20 the requirements of the Oklahoma Used Tire Recycling Act;

21 2. An amount not to exceed Fifty Thousand Dollars (\$50,000.00)
22 per audit to the State Auditor and Inspector for the purpose of
23 conducting audits of the Oklahoma Used Tire Recycling Program
24 pursuant to Section 2-11-401.6 of this title; and

1 3. ~~Up to ten percent (10%) for~~ For capital investment
2 reimbursement to used tire facilities and TDF facilities for the
3 purchase of equipment necessary to utilize used tires. Only
4 equipment purchased on or after January 1, 1995, shall be eligible.
5 The facilities are eligible for compensation at a rate of Twenty
6 Dollars (\$20.00) per ton of used tires used. Total reimbursement
7 shall not exceed one hundred percent (100%) of the capital
8 investment in eligible equipment. The facilities may apply for
9 compensation monthly to the Department of Environmental Quality, and
10 shall supply any information required by the Department.

11 C. After the allocations under subsection B of this section are
12 made, the balance of monies in the Fund shall be available for
13 compensation pursuant to the provisions of the Oklahoma Used Tire
14 Recycling Act as follows:

15 1. Compensation to used tire facilities for used tire
16 processing, at the rate of Fifty-four Dollars (\$54.00) per ton of
17 processed tire material. For compensation the following conditions
18 shall apply:

19 a. facilities that process used tires by altering the
20 form of the used tires but do not produce crumb rubber
21 shall not receive compensation until the facility
22 documents the sale and movement of the processed used
23 tire material off-site to a third party,

24

1 b. facilities shall report and certify used tire
2 processing activity in terms of weight. The facility
3 shall by sworn affidavit provide to the Department
4 sufficient information to verify that the facility has
5 processed used tires and sold processed used tires for
6 actual recycling or reuse in accordance with the
7 purposes of the Oklahoma Used Tire Recycling Act, and
8 c. to be eligible for compensation, a facility shall not
9 have accumulated more processed material than the
10 amount for which the facility has provided financial
11 assurance under its solid waste permit or the amount
12 accumulated from three (3) years of operation,
13 whichever is less;

14 2. a. Compensation to used tire recycling facilities or TDF
15 facilities at the rate of Fifty-three Dollars (\$53.00)
16 per ton of whole used tires for the collection and
17 transportation of used tires from Oklahoma tire
18 dealers, automotive dismantlers and parts recyclers,
19 solid waste landfill sites, and dumps certified by the
20 Department priority cleanup list, and delivering the
21 tires to a used tire recycling facility or TDF
22 facility. The collection and transportation of used
23 tires shall be provided by the used tire recycling
24 facility or TDF facility at no additional cost to the

1 tire dealer or automotive dismantler and parts
2 recycler or to the Fund. The used tire recycling
3 facility or TDF facility shall collect from any
4 location at which there are at least three hundred
5 used tires.

6 b. Compensation under this paragraph shall not be payable
7 until the used tires have been actually processed
8 according to the solid waste permit for the facility
9 or actually used for energy or fuel recovery. A TDF
10 facility that collects and transports whole used tires
11 shall be eligible for compensation under this
12 paragraph only for those whole used tires consumed by
13 that facility.

14 c. No tire dealer shall charge any customer any
15 additional fee for the management, recycling, or
16 disposal of any used tire upon which the used tire
17 recycling fee has been remitted to the Tax Commission.
18 For customers who choose not to leave a used tire upon
19 which the used tire recycling fee has been remitted to
20 the Tax Commission, the tire dealer shall issue a
21 receipt which entitles the customer to deliver the
22 used tire to the dealer at a later date.

1 d. To be eligible for compensation pursuant to this
2 paragraph, the used tire recycling facility or TDF
3 facility shall:

4 (1) demonstrate to the satisfaction of the Department
5 that the facility is regularly engaged in the
6 collection, transportation and delivery of used
7 tires to a used tire recycling facility or to a
8 TDF facility, on a statewide basis, and from each
9 county of the state,

10 (2) provide documentation to the Department, signed
11 by a dealer at the time of collection, which
12 certifies remittance of appropriate fees to the
13 Oklahoma Tax Commission as a participating tire
14 dealer pursuant to the provisions of the Oklahoma
15 Used Tire Recycling Act, and

16 (3) annually demonstrate that at least three to six
17 percent (3-6%) of the tires were collected from
18 tire dumps or landfills on the Department
19 priority cleanup list or community-wide cleanup
20 events approved by the Department. The
21 Department is authorized to determine
22 periodically the applicable percentage within the
23 specified range set forth in this division based
24

1 on the number of tires remaining in illegal dumps
2 and available funding.

3 e. In lieu of proof of remitted tire recycling fees, the
4 used tire recycling facility or TDF facility shall
5 accept proof of purchase of a salvage vehicle
6 registered in Oklahoma by an automotive dismantler and
7 parts recycler, licensed pursuant to the Automotive
8 Dismantlers and Parts Recycler Act, for the collection
9 and transportation of up to five used tires per
10 salvage vehicle purchased on or after January 1, 1996.

11 f. Beginning July 1, 2010, a used tire recycling facility
12 or TDF facility shall be required to collect and
13 transport tires used on implements of husbandry and
14 agricultural equipment that are not more than fourteen
15 (14) inches wide and forty-four (44) inches in
16 diameter. Beginning July 1, 2013, a used tire
17 recycling facility or TDF facility shall be required
18 to collect and transport tires used on implements of
19 husbandry and agricultural equipment that are any
20 size;

21 3. a. Compensation to a person, corporation or other legal
22 entity who has obtained a permit or other
23 authorization from the United States Army Corps of
24 Engineers or a local Conservation District to provide

1 services for erosion control projects. Compensation
2 shall be at the rate of Two Dollars and eighty cents
3 (\$2.80) per tire for used tires having a tire rim
4 diameter of greater than seventeen and one-half (17
5 1/2) inches, and eighty cents (\$0.80) per tire for
6 tires having a rim diameter less than or equal to
7 seventeen and one-half (17 1/2) inches.

8 b. Reimbursement under this paragraph shall be subject to
9 the following:

- 10 (1) the applicant for reimbursement collects or
11 provides for the collection and utilization of
12 used tires in an erosion control project in
13 Oklahoma in accordance with a written plan
14 approved by the United States Army Corps of
15 Engineers or by a local Conservation District,
- 16 (2) the used tires are collected and transported to
17 the site of the erosion control project,
- 18 (3) the site landowner agrees to plant trees or other
19 suitable vegetation in accordance with a planting
20 plan developed in conjunction with the Division
21 of Forestry of the Oklahoma Department of
22 Agriculture, Food, and Forestry,
- 23 (4) the applicant reports and certifies the number of
24 used tires utilized. The applicant shall by

1 sworn affidavit provide to the Department
2 sufficient information to verify that the
3 applicant has utilized the tires in accordance
4 with the purposes of the Oklahoma Used Tire
5 Recycling Act,

6 (5) the applicant annually demonstrates that at least
7 three to six percent (3-6%) of the tires utilized
8 by the applicant for which compensation is
9 requested were collected from tire dumps or
10 landfills on the Department priority cleanup list
11 or community-wide cleanup events approved by the
12 Department. The Department is authorized to
13 determine periodically the applicable percentage
14 within the specified range as set forth in this
15 division based on the number of tires remaining
16 in illegal dumps and available funding,

17 (6) the applicant demonstrates to the satisfaction of
18 the Department that the applicant is regularly
19 engaged in the collection, transportation and
20 delivery to erosion control projects of used
21 tires, on a statewide basis, and from each county
22 of the state, at no additional cost to the tire
23 dealer or automotive dismantler and parts
24 recycler or to the Fund, and

1 (7) the applicant provides documentation to the
2 Department, signed by a dealer at the time of
3 collection, which certifies remittance of
4 appropriate fees to the Oklahoma Tax Commission
5 as a participating tire dealer pursuant to the
6 provisions of the Oklahoma Used Tire Recycling
7 Act.

8 c. In lieu of proof of remitted tire recycling fees, the
9 applicant shall accept proof of purchase of a salvage
10 vehicle registered in Oklahoma by an automotive
11 dismantler and parts recycler, licensed pursuant to
12 the Automotive Dismantlers and Parts Recycler Act, for
13 the collection and transportation of up to five used
14 tires per salvage vehicle purchased on or after
15 January 1, 1996.

16 d. Compensation pursuant to this paragraph shall be
17 payable only for the tires collected and utilized in
18 accordance with the purposes of the Oklahoma Used Tire
19 Recycling Act and as authorized by the Department.
20 During the course of the erosion control project, the
21 Department may determine the amount of and authorize
22 partial compensation, as tires are utilized in
23 accordance with the written plan.
24

1 e. Any entity deemed eligible for reimbursement under the
2 provisions of this paragraph shall be liable for the
3 erosion control project for a period of five (5)
4 years. During the five-year period, if additional
5 cleanup or remediation of an erosion control project
6 is required due to failure or negligence on the part
7 of the original contractor, the original contractor
8 shall be responsible for cleanup costs and shall not
9 be eligible for any additional compensation from the
10 Fund for costs related to that erosion control
11 project;

12 4. a. Compensation to a unit of local or county government
13 that submits to the Department for approval a plan for
14 the use of baled used tires in an engineering project.
15 Compensation shall be at the rate of fifty cents
16 (\$0.50) per tire.

17 b. The plan shall be approved by the Department before
18 construction of the project begins.

19 c. Any unit of local or county government baling used
20 tires shall not accumulate more than fifty used tire
21 bales prior to beginning construction of an approved
22 project.

23 d. Used tires baled pursuant to this paragraph cannot be
24 obtained from tire manufacturers, retailers,

1 wholesalers, retreaders, or automotive dismantlers and
2 parts recyclers.

3 e. Any unit of local or county government authorized to
4 receive reimbursement for the use of baled used tires
5 in an engineering project shall report and certify
6 whole used tires by number. The governmental unit
7 shall by sworn affidavit provide sufficient
8 information to the Department to verify that the unit
9 has utilized the tires in accordance with the purposes
10 of the Oklahoma Used Tire Recycling Act; and

11 5. If the Fund contains insufficient funds in any month to
12 satisfy the eligible reimbursements under this subsection, the
13 Department shall determine the apportionment of payments to be made
14 among the qualified applicants under this subsection according to
15 the percentage of used tires processed, collected and transported,
16 or utilized.

17 D. 1. After the allocations under subsections B and C of this
18 section are made, any remaining monies in the Fund shall be
19 available for TDF facilities and used tire recycling facilities that
20 produce crumb rubber for compensation at the rate of Twenty-nine
21 Dollars (\$29.00) per ton of processed or used tires utilized for
22 energy or fuel recovery or the production of crumb rubber.

1 2. The production of crumb rubber shall be considered a
2 compensable event separate from and in addition to any compensation
3 for used tire processing under subsection C of this section.

4 3. TDF facilities and used tire recycling facilities authorized
5 to receive reimbursement under this subsection shall report and
6 certify tire material used by weight.

7 4. The facilities shall by sworn affidavit provide to the
8 Department sufficient information to verify that the facility has
9 used the tires in accordance with the purposes of the Oklahoma Used
10 Tire Recycling Act.

11 5. If the Fund contains insufficient funds in any month to
12 satisfy the eligible reimbursements under this subsection, the
13 Department shall determine the apportionment of payments to be made
14 among the qualified applicants according to the percentage of used
15 tires intended for energy or fuel recovery or the production of
16 crumb rubber.

17 E. After the allocations under subsections B, C and D of this
18 section are made, any remaining monies in the Fund shall be
19 disbursed as additional compensation to used tire recycling
20 facilities or TDF facilities for the remediation of dumps certified
21 by the Department and delivering the tires to a used tire recycling
22 facility or a TDF facility. The Department shall determine
23 additional compensation made to qualified applicants under this
24 subsection based on cleanup feasibility of the dump. By July 1,

1 2012, the Board shall promulgate rules establishing unit costs for
2 compensation based on the remediation feasibility of the tire dumps.
3 The Department may solicit bids for the remediation of tire dumps if
4 no used tire recycling facilities or TDF facilities agree to
5 remediate a priority tire dump authorized by the Department or if
6 the Department determines the qualified applicant has not remediated
7 the tires in the tire dump to meet reference conditions of
8 comparable property in the immediate area.

9 F. Used tire recycling facilities, TDF facilities, or persons,
10 corporations or other legal entities authorized by the provisions of
11 the Oklahoma Used Tire Recycling Act to receive reimbursement shall
12 demonstrate that the facilities or legal entities have successfully
13 complied with the requirements of the Oklahoma Used Tire Recycling
14 Act through the filing of appropriate applications, reports, and
15 other documentation that may be required by the Tax Commission and
16 the Department.

17 SECTION 5. This act shall become effective November 1, 2014.
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1 Passed the House of Representatives the 4th day of March, 2014.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2014.

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8 _____
9 Presiding Officer of the Senate