

28 AMENDS:

29 **19-6-809**, as last amended by Chapter 165, Laws of Utah 2001

30 **19-6-812**, as renumbered and amended by Chapter 51, Laws of Utah 2000

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **19-6-809** is amended to read:

34 **19-6-809. Partial reimbursement.**

35 (1) (a) ~~Any~~ A recycler may submit an application under Section 19-6-813 to the local
36 health department having jurisdiction over the applicant's business address for partial
37 reimbursement of the cost of transporting and processing waste tires or materials derived from
38 waste tires that:

- 39 (i) meet the requirements of Subsections (3) and (4); and
- 40 (ii) are used within the state for:
 - 41 (A) energy recovery or production;
 - 42 (B) the creation of ultimate products;
 - 43 (C) the production of crumb rubber, if a contract exists for the sale of the crumb rubber
 - 44 for use, either within or outside the state, as a component in an ultimate product;
 - 45 (D) the production of chipped tires, if the chipped tires are to be applied to a beneficial
 - 46 use, either within or outside the state, and a contract exists for their sale; or
 - 47 (E) any use defined by board rule as recycling.

48 (b) A recycler is not eligible to receive partial reimbursement of transportation or
49 processing costs related to the creation of an ultimate product if:

- 50 (i) the recycler used crumb rubber as a component of the ultimate product; and
- 51 (ii) the recycler, or another recycler, previously received under this section partial
- 52 reimbursement of transportation or processing costs related to the production of the crumb
- 53 rubber.

54 (c) A recycler who qualifies under this section for partial reimbursement may waive the
55 reimbursement and request in writing that the reimbursement be paid to a person who:

- 56 (i) delivers waste tires or material derived from waste tires to the recycler; or
- 57 (ii) processes the waste tires prior to the recycler's receipt of the waste tires or materials
- 58 derived from the waste tires for recycling.

59 (2) ~~(a)~~ Subject to the limitations in Section 19-6-816, a recycler is entitled to ~~[\$75]~~:

60 (a) \$85 as partial reimbursement for each ton of waste tires or material derived from
61 waste tires converted to crumb rubber, if a contract exists for the sale of the crumb rubber for
62 use as a component in an ultimate product~~[-]~~;

63 (b) ~~[Subject to the limitations in Section 19-6-816, a recycler is entitled to \$65]~~ \$75 as
64 partial reimbursement for each ton of waste tires or material derived from waste tires recycled,
65 other than as crumb rubber~~[-]~~; and

66 (c) ~~[Subject to the limitations in Section 19-6-816, a recycler is entitled to \$50]~~ \$45 as
67 partial reimbursement for each ton of chipped tires used for a beneficial use.

68 (3) (a) In order for a recycler to be eligible for partial reimbursement, the recycler shall
69 establish in cooperation with tire retailers or transporters, or both, a reasonable schedule to
70 remove waste tires in sufficient quantities to allow for economic transportation of waste tires
71 located in any municipality within the state as defined in Section 10-1-104.

72 (b) A recycler complying with Subsection (3)(a) may also receive partial
73 reimbursement for recycling tires received from locations within the state other than those
74 associated with retail tire businesses, including waste tires from waste tire piles and abandoned
75 waste tire piles, under Section 19-6-810.

76 (4) A recycler who applies for partial reimbursement under Subsection (1) shall
77 demonstrate the waste tires or materials derived from waste tires that qualify for the
78 reimbursement:

79 (a) (i) were removed and transported by a registered waste tire transporter, a recycler,
80 or a tire retailer; or

81 (ii) were generated by a private person who is not a waste tire transporter as defined in
82 Section 19-6-803, and that person brings the waste tires to the recycler;

83 (b) were generated in the state; and

84 (c) if the tires are from a waste tire pile or abandoned waste tire pile, the recycler
85 complies with the applicable provisions of Section 19-6-810.

86 Section 2. Section **19-6-812** is amended to read:

87 **19-6-812. Landfilling shredded tires -- Reimbursement.**

88 (1) Waste tires received from any source may be disposed in a landfill in Utah operated
89 by a state or local governmental entity or in a commercial landfill in Utah operated in

90 compliance with all relevant requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous
91 Waste Act, if:

92 (a) the waste tires are shredded; and

93 (b) the waste tires are stored in a segregated cell or other landfill facility that ensures
94 the disposed shredded waste tires are in a clean and accessible condition so they may be
95 reasonably retrieved and recycled at a future time.

96 (2) (a) The owner or operator of the landfill may apply for and receive reimbursement
97 of \$30 per ton of tires placed in a landfill in compliance with Subsection (1), but only if the
98 waste tires are generated from tires used in the state, and not from used tires or waste tires
99 brought in from out of state.

100 ~~[(b) On and after the effective date, reimbursement under this section is at the~~
101 ~~following rates per ton:]~~

102 ~~[(i) for waste tires placed in a landfill under this section in accordance with a contract~~
103 ~~with the landfill owner or operator that was finalized and in effect prior to the effective date of~~
104 ~~this section:]~~

105 ~~[(A) \$65 for waste tires disposed in the landfill on or before October 31, 1996;]~~

106 ~~[(B) \$50 for waste tires disposed in the landfill on and after November 1, 1996 and~~
107 ~~before May 1, 1997; and]~~

108 ~~[(C) \$30 for waste tires disposed in the landfill on and after May 1, 1997; and]~~

109 ~~[(ii) \$30 regarding waste tires placed in a landfill under this section and that are not the~~
110 ~~subject of a contract for being placed in a landfill under Subsection (2)(b)(i):]~~

111 ~~[(e)]~~ (b) An application for payment under this subsection shall include complete
112 records, including the site from which the tires are removed, the landfill where the tires are
113 disposed, and the amount of shredded tires disposed.

114 (3) The application process for receiving payment under this section is the same as the
115 process for recyclers applying for partial reimbursement under this part.

116 (4) Waste tires, in any form, for which reimbursement is paid under this section, are
117 not subject to any further or additional reimbursement under this part at any time.

118 (5) Reimbursement under this section may only be made for waste tires that have been
119 shredded and placed in a landfill in compliance with this section.

Legislative Review Note

as of 12-21-04 2:40 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

Provisions of this bill increases fees paid per ton to recycle waste tires. It is estimated to cost an additional \$224,100 in FY 2006 from the Waste Tire Recycling Fund.

	<u>FY 2006</u> <u>Approp.</u>	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2006</u> <u>Revenue</u>	<u>FY 2007</u> <u>Revenue</u>
Trust Funds	\$224,100	\$299,500	\$0	\$0
TOTAL	\$224,100	\$299,500	\$0	\$0

Individual and Business Impact

Tire recyclers will receive an additional \$224,100 in FY 2006.

Office of the Legislative Fiscal Analyst