

1 **Waste Tire Recycling Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Scott H. Chew

3 **LONG TITLE**

4 **General Description:**

5 This bill makes changes to the Waste Tire Recycling Act.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ modifies definitions;
- 9 ▶ exempts landfills from restrictions on accepting waste tires if the landfill uses a mobile
- 10 facility to reduce the size of waste tires;
- 11 ▶ allows shredded or chipped waste tires to be disposed of in a landfill;
- 12 ▶ allows an owner or operator of a landfill in a county of the third through sixth class to
- 13 apply for reimbursement for waste tires disposed of in the owner or operator's landfill;
- 14 and
- 15 ▶ makes technical and conforming changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **19-6-803**, as last amended by Laws of Utah 2021, Chapter 149

23 **19-6-804**, as last amended by Laws of Utah 2024, Chapter 158

24 **19-6-812**, as last amended by Laws of Utah 2008, Chapter 66

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

27 Section 1. Section **19-6-803** is amended to read:

28 **19-6-803 . Definitions.**

29 As used in this part:

30 (1) "Abandoned waste tire pile" means a waste tire pile regarding which the local

- 31 department of health has not been able to:
- 32 (a) locate the persons responsible for the tire pile; or
- 33 (b) cause the persons responsible for the tire pile to remove the tire pile.
- 34 (2)(a) "Beneficial use" means the use of chipped tires in a manner that is not recycling,
35 storage, or disposal, but that serves as a replacement for another product or material
36 for specific purposes.
- 37 (b) "Beneficial use" includes the use of chipped tires:
- 38 (i) as daily landfill cover;
- 39 (ii) for civil engineering purposes;
- 40 (iii) as low-density, light-weight aggregate fill; or
- 41 (iv) for septic or drain field construction.
- 42 (c) "Beneficial use" does not include the use of waste tires or material derived from
43 waste tires:
- 44 (i) in the construction of fences; or
- 45 (ii) as fill, other than low-density, light-weight aggregate fill.
- 46 (3) "Board" means the Waste Management and Radiation Control Board created under
47 Section 19-1-106.
- 48 (4) "Chip" or "chipped tire" means [~~a two inch square~~] an eight inch square or smaller piece
49 of a waste tire.
- 50 (5) "Commission" means the Utah State Tax Commission.
- 51 (6)(a) "Consumer" means a person who purchases a new tire to satisfy a direct need,
52 rather than for resale.
- 53 (b) "Consumer" includes a person who purchases a new tire for a motor vehicle to be
54 rented or leased.
- 55 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise
56 reduced in size such that the particles are less than or equal to 3/4 inch in diameter and
57 are 98% wire free by weight.
- 58 (8) "Director" means the director of the Division of Waste Management and Radiation
59 Control.
- 60 (9) "Disposal" means the deposit, dumping, or permanent placement of waste tire in or on
61 land or in water in the state.
- 62 (10) "Dispose of" means to deposit, dump, or permanently place waste tire in or on land or
63 in water in the state.
- 64 (11) "Division" means the Division of Waste Management and Radiation Control created in

65 Section 19-1-105.

66 (12) "Fund" means the Waste Tire Recycling Fund created in Section 19-6-807.

67 (13) "Landfill waste tire pile" means a waste tire pile:

68 (a) located within the permitted boundary of a landfill or transfer station operated by a
69 governmental entity; and

70 (b) consisting solely of waste tires brought to a landfill or transfer station for disposal or
71 beneficial use and diverted from the landfill or transfer station waste stream to the
72 waste tire pile.

73 (14) "Local health department" means the local health department, as defined in Section
74 26A-1-102, with jurisdiction over the recycler.

75 (15) "Materials derived from waste tires" means tire sections, tire chips, tire shreadings,
76 rubber, steel, fabric, or other similar materials derived from waste tires.

77 (16) "Mobile facility" means a mobile facility capable of cutting waste tires on site so the
78 waste tires may be effectively disposed of [~~by burial, such as in a landfill~~], recycled, or
79 put to beneficial use.

80 (17) "New motor vehicle" means a motor vehicle that has never been titled or registered.

81 (18) "Passenger tire equivalent" means a measure of mixed sizes of tires where each 25
82 pounds of whole tires or material derived from waste tires is equal to one waste tire.

83 (19) "Proceeds of the fee" means the money collected by the commission from payment of
84 the recycling fee including interest and penalties on delinquent payments.

85 (20) "Recycler" means a person who:

86 (a) annually uses, or can reasonably be expected within the next year to use, a minimum
87 of 100,000 waste tires generated in the state or 1,000 tons of waste tires generated in
88 the state to recover energy or produce energy, crumb rubber, chipped tires, or an
89 ultimate product; and

90 (b) is registered as a recycler in accordance with Section 19-6-806.

91 (21) "Recycling fee" means the fee provided for in Section 19-6-805.

92 (22) "Shredded waste tires" means waste tires or material derived from waste tires that has
93 been reduced to a six inch square or smaller.

94 (23)(a) "Storage" means the placement of waste tires in a manner that does not
95 constitute disposal of the waste tires.

96 (b) "Storage" does not include:

97 (i) the use of waste tires as ballast to maintain covers on agricultural materials or to
98 maintain covers at a construction site;

- 99 (ii) the storage for five or fewer days of waste tires or material derived from waste
100 tires that are to be recycled or applied to a beneficial use; or
101 (iii) the storage of a waste tire before the tire is:
102 (A) resold wholesale or retail; or
103 (B) recapped.
- 104 (24)(a) "Store" means to place waste tires in a manner that does not constitute disposal
105 of the waste tires.
- 106 (b) "Store" does not include:
107 (i) to use waste tires as ballast to maintain covers on agricultural materials or to
108 maintain covers at a construction site; or
109 (ii) to store for five or fewer days waste tires or material derived from waste tires that
110 are to be recycled or applied to a beneficial use.
- 111 (25) "Tire" means a pneumatic rubber covering designed to encircle the wheel of a vehicle
112 in which a person or property is or may be transported or drawn upon a highway.
- 113 (26) "Tire retailer" means a person engaged in the business of selling new tires either as
114 replacement tires or as part of a new vehicle sale.
- 115 (27) "Transfer station" is defined by rule made by the board in accordance with Title 63G,
116 Chapter 3, Utah Administrative Rulemaking Act.
- 117 (28)(a) "Ultimate product" means a product that has as a component materials derived
118 from waste tires and that the director finds has a demonstrated market.
- 119 (b) "Ultimate product" includes pyrolyzed materials derived from:
120 (i) waste tires; or
121 (ii) chipped tires.
- 122 (c) "Ultimate product" does not include a product regarding which a waste tire remains
123 after the product is disposed of or disassembled.
- 124 (29) "Waste tire" means:
125 (a) a tire that is no longer suitable for the tire's original intended purpose because of
126 wear, damage, or defect; or
127 (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used
128 tire.
- 129 (30) "Waste tire pile" means a pile of 200 or more waste tires at one location.
- 130 (31)(a) "Waste tire transporter" means a person engaged in picking up or transporting at
131 one time more than 10 whole waste tires, or the equivalent amount of material
132 derived from waste tires, generated in Utah for the purpose of storage, processing, or

133 disposal.

134 (b) "Waste tire transporter" includes a person engaged in the business of collecting,
135 hauling, or transporting waste tires or who performs these functions for another
136 person, except as provided in Subsection (31)(c).

137 (c) "Waste tire transporter" does not include:

138 (i) a person transporting waste tires generated solely by:

139 (A) that person's personal vehicles;

140 (B) a commercial vehicle fleet owned or operated by that person or that person's
141 employer;

142 (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or
143 operated by that person or that person's employer; or

144 (D) a retail tire business owned or operated by that person or that person's
145 employer;

146 (ii) a solid waste collector operating under a license issued by a unit of local
147 government as defined in Section 63M-5-103, or a local health department;

148 (iii) a recycler of waste tires;

149 (iv) a person transporting tires by rail as a common carrier subject to federal
150 regulation;~~[-or]~~

151 (v) a person transporting processed or chipped tires~~[-]~~ ; or

152 (vi) a landfill owner or operator transporting a waste tire:

153 (A) to another landfill;

154 (B) between two counties of the third through sixth class; and

155 (C) for recycling or beneficial use.

156 Section 2. Section **19-6-804** is amended to read:

157 **19-6-804 . Restrictions on disposal and transfer of tires -- Penalties.**

158 (1)(a) An individual, including a waste tire transporter, may not transfer for temporary
159 storage more than 12 whole tires at one time to a landfill or other location in the state
160 authorized by the director to receive waste tires, except for purposes authorized by
161 board rule.

162 (b) Tires are exempt from this Subsection (1) if:

163 (i) a landfill or other location authorized by the director to receive waste tires uses a
164 mobile facility or other equipment to reduce the size of waste tires for recycling or
165 beneficial use as allowed under this part; or

166 (ii) the original tire has a rim diameter greater than 24.5 inches.

- 167 (c) A person, including a waste tire transporter, may not dispose of waste tires or store
168 waste tires in any manner not allowed under this part or rules made under this part.
- 169 (2) The operator of the landfill or other authorized location shall direct that the waste tires
170 be stored in a designated area to facilitate retrieval if a market becomes available for the
171 disposed waste tires or material derived from waste tires.
- 172 (3) An individual, including a waste tire transporter, may dispose ~~[of shredded waste tires]~~
173 in a landfill:
- 174 (a) a waste tire or shredded waste tire in accordance with Section 19-6-812~~[-and may~~
175 ~~also, without reimbursement, dispose] ; and~~
- 176 (b) [in a landfill] materials derived from waste tires that do not qualify for
177 reimbursement under Section 19-6-812~~[-but the landfill shall dispose of the material~~
178 ~~in accordance with Section 19-6-812].~~
- 179 (4) A tire retailer may only transfer ownership of a waste tire described in Subsection
180 19-6-803(28)(b) to:
- 181 (a) a person who purchases it for the person's own use and not for resale; or
182 (b) a waste tire transporter that:
- 183 (i) is registered in accordance with Section 19-6-806; and
184 (ii) agrees to transport the tire to:
- 185 (A) a tire retailer that sells the tire wholesale or retail; or
186 (B) a recycler.
- 187 (5)(a)(i) An individual, including a waste tire transporter, violating this section is
188 subject to enforcement proceedings and a civil penalty of not more than \$100 per
189 waste tire or per passenger tire equivalent disposed of in violation of this section.
- 190 (ii) A warning notice may be issued before taking further enforcement action under
191 this Subsection (5).
- 192 (b) The director, the local health department, or the county attorney with jurisdiction
193 over the location where the tires were disposed in violation of this section, may bring
194 an action to enforce this section and collect penalties in a court with jurisdiction
195 under Title 78A, Judiciary and Judicial Administration.
- 196 (c) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director, local
197 health department, or county attorney shall bring an action described in Subsection
198 (5)(b) in the county where the violation occurred if the action is brought in the district
199 court.
- 200 (d) Penalties collected under this section shall be deposited into the fund.

201 Section 3. Section **19-6-812** is amended to read:

202 **19-6-812 . Landfilling shredded or chipped tires -- Reimbursement.**

203 (1) A waste tire may be disposed of in a landfill if:

204 (a) the land fill is operated in compliance with the requirements of Title 19, Chapter 6,
205 Part 1, Solid and Hazardous Waste Act; and

206 (b) the waste tire~~[is shredded; and]~~ :

207 (i) is shredded or chipped;

208 (ii) is separated from non-waste tire material in a cell or other landfill facility to
209 ensure that the shredded or chipped waste tire is in a clean and accessible
210 condition; and

211 (iii) may be reasonably retrieved, recycled, or put to beneficial use at a future time.

212 ~~[(e) the waste tire is stored in a segregated cell or other landfill facility that ensures that~~
213 ~~the disposed shredded waste tire is in a clean and accessible condition so that the~~
214 ~~waste tire may be reasonably retrieved and recycled at a future time.]~~

215 (2) The owner or operator of a landfill in a county of the third through sixth class may
216 apply to the local health department having jurisdiction over the applicant's business
217 address for reimbursement of \$20 per ton of waste tires placed in the landfill if:

218 (a) the waste tires are disposed in compliance with Subsection (1);

219 (b) the waste tires are generated from within the state; and

220 (c) the application includes:

221 (i) the site from which the waste tires are removed;

222 (ii) the landfill where the waste tires are disposed; and

223 (iii) the amount of shredded or chipped tires disposed.

224 (3) An application for reimbursement under this section is substantially the same as the
225 application process required of recyclers applying for partial reimbursement under
226 Section 19-6-813.

227 (4) A waste tire, for which reimbursement is paid under this section, is not eligible for
228 additional reimbursement under another provision of this part.

229 Section 4. **Effective Date.**

230 This bill takes effect on May 7, 2025.