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WASTE TIRE RECYCLING

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Neal B. Hendrickson

This act modifies the Environmental Quality Code to amend provisions related to the waste tire recycling program. The waste tire recycling fee is increased. The act restricts eligibility for partial reimbursement of recycling costs to recyclers within the state who recycle a minimum number of waste tires generated within the state. The act modifies the reimbursement amounts recyclers may receive and reduces reimbursements for removing waste tires from an abandoned waste tire pile or landfill waste tire pile. The act allows the executive secretary of the Solid and Hazardous Waste Control Board to deny reimbursement of costs to remove waste tires from an abandoned waste tire pile or landfill waste tire pile, if payment of the removal costs would result in there being insufficient funds to reimburse costs of recyclers. The act prohibits double payments to reimburse recycling costs when waste tires are converted into crumb rubber which is subsequently used to create an ultimate product. The act amends definitions and makes technical changes. This act takes effect on July 1, 2001.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

19-6-803, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-805, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-809, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-810, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-811, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-813, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-815, as renumbered and amended by Chapter 51, Laws of Utah 2000

19-6-816, as renumbered and amended by Chapter 51, Laws of Utah 2000

28 **19-6-819**, as renumbered and amended by Chapter 51, Laws of Utah 2000

29 **19-6-820**, as renumbered and amended by Chapter 51, Laws of Utah 2000

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

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

32 **19-6-803. Definitions.**

33 As used in this part:

34 (1) "Abandoned waste tire pile" means a waste tire pile regarding which the local
35 department of health has not been able to:

36 (a) locate the persons responsible for the tire pile; or

37 (b) cause the persons responsible for the tire pile to remove it.

38 (2) (a) "Beneficial use" means the use of chipped [~~waste~~] tires [~~or chipped material derived~~
39 ~~from waste tires~~] in a manner that is not recycling, storage, or disposal, but that serves as a
40 replacement for another product or material for specific purposes[~~, including~~].

41 (b) "Beneficial use" includes the use of chipped tires:

42 (i) as daily landfill cover[~~;~~];

43 (ii) for civil engineering[~~;~~] purposes;

44 (iii) as low-density, light-weight aggregate fill[~~, and~~]; or

45 (iv) for septic or drain field construction.

46 [~~(b)~~] (c) "Beneficial use" does not include the use of waste tires or material derived from
47 waste tires:

48 (i) in the construction of fences[~~;~~]; or

49 (ii) as fill, other than low-density, light-weight aggregate fill.

50 (3) "Board" means the Solid and Hazardous Waste Control Board created under Section
51 19-1-106.

52 (4) "Chip" or "chipped tire" means a two inch square or smaller piece of a waste tire.

53 (5) "Commission" means the Utah State Tax Commission.

54 (6) (a) "Consumer"[~~:(a)~~] means a person who purchases a new tire to satisfy a direct need,
55 rather than for resale[~~, and~~].

56 (b) "Consumer" includes a person who purchases a new tire for a motor vehicle to be
57 rented or leased.

58 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise

59 reduced in size [~~so the resulting material is 95%~~] such that the particles are less than or equal to
60 3/8 inch in diameter and are 98% wire free by weight.

61 (8) "Disposal" means the deposit, dumping, or permanent placement of any waste tire in
62 or on any land or in any water in the state.

63 [~~(8)~~] (9) "Dispose of" [~~or "disposal"~~] means to deposit, dump, or permanently place any
64 waste tire in or on any land or in any water in the state.

65 [~~(9)~~] (10) "Division" means the Division of Solid and Hazardous Waste created in Section
66 19-1-105, within the Department of Environmental Quality.

67 [~~(10)~~] (11) "Executive secretary" means the executive secretary of the Solid and Hazardous
68 Waste Control Board created in Section 19-1-106.

69 [~~(11)~~] (12) "Landfill waste tire pile" means a waste tire pile:

70 (a) located within the permitted boundary of a landfill operated by a governmental entity;

71 and

72 (b) consisting solely of waste tires brought to a landfill for disposal and diverted from the
73 landfill waste stream to the waste tire pile.

74 [~~(12)~~] (13) "Local health department" means the city-county health department or district
75 health department, as defined in Section 26A-1-102, with jurisdiction over the recycler.

76 [~~(13)~~] (14) "Materials derived from waste tires" means tire sections, tire chips, tire
77 shreds, rubber, steel, fabric, or other similar materials derived from waste tires.

78 [~~(14)~~] (15) "Mobile facility" means a mobile facility capable of cutting waste tires on site
79 so the waste tires may be effectively disposed of by burial, such as in a landfill.

80 [~~(15)~~] (16) "New motor vehicle" means a motor vehicle which has never been titled or
81 registered.

82 [~~(16)~~] (17) "Passenger tire equivalent" means a measure of mixed sizes of tires where each
83 25 pounds of whole tires or material derived from waste tires is equal to one waste tire.

84 [~~(17)~~] (18) "Proceeds of the fee" means the money collected by the commission from
85 payment of the recycling fee including interest and penalties on delinquent payments.

86 [~~(18)~~] (19) "Recycler" means a person who:

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

90 apply to a beneficial use, but does not include tires that are stored, disposed of, retreaded, or sold
91 as used tires] or an ultimate product; and

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

93 [~~(19)~~] (20) "Recycling fee" means the fee provided for in Section 19-6-805.

94 [~~(20)(a) Before January 1, 2000, "shredded," when referring to waste tires, means waste~~
95 ~~tires or material derived from waste tires that has been subjected to a "primary shred" as defined~~
96 ~~by board rule. The rule shall define the maximum size of a piece of material derived from waste~~
97 ~~tires that is considered to be the result of a primary shred.]~~

98 [(b)] (21) [On and after January 1, 2000, "shredded," when referring to] "Shredded waste
99 tires[;]" means waste tires or material derived from waste tires that has been reduced to a six inch
100 square or smaller.

101 (22) (a) "Storage" means the placement of waste tires in a manner that does not constitute
102 disposal of the waste tires.

103 (b) "Storage" does not include:

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

106 (ii) the storage for five or fewer days of waste tires or material derived from waste tires
107 that are to be recycled or applied to a beneficial use.

108 [~~(21)~~] (23) (a) "Store" [~~or "storage"~~] means [~~the placing of~~] to place waste tires in a
109 manner that does not constitute disposal of the waste tires.

110 (b) "Store" [~~or "storage"~~] does not include:

111 (i) to use waste tires [~~or material derived from waste tires that is stored for five or fewer~~
112 ~~days and that is to be: (i) used~~] as ballast to maintain covers on agricultural materials or to maintain
113 covers at a construction site; or

114 (ii) to store for five or fewer days waste tires or material derived from waste tires that are
115 to be recycled or applied to a beneficial use.

116 [~~(22)~~] (24) "Tire" means a pneumatic rubber covering designed to encircle the wheel of
117 a vehicle in which a person or property is or may be transported or drawn upon a highway.

118 [~~(23)~~] (25) "Tire retailer" means any person engaged in the business of selling new tires
119 either as replacement tires or as part of a new vehicle sale.

120 [~~(24)~~] (26) "Trust fund" means the Waste Tire Recycling Expendable Trust Fund provided

121 for in Section 19-6-807.

122 ~~[(25)]~~ (27) (a) "Ultimate product" means a product that has as a component materials
123 derived from waste tires and that the ~~[board]~~ executive secretary finds has a demonstrated market.

124 (b) "Ultimate product" ~~[(+)]~~ includes pyrolyzed materials derived from:

125 (i) waste tires ~~[and]~~; or

126 (ii) chipped tires ~~[-and]~~.

127 ~~[(+)]~~ (c) "Ultimate product" does not include a product regarding which a waste tire
128 remains after the product is disposed of or disassembled.

129 ~~[(26)]~~ (28) "Waste tire" means a tire that is no longer suitable for its original intended
130 purpose because of wear, damage, or defect.

131 ~~[(27)]~~ (29) "Waste tire pile" means a pile of 1,000 or more waste tires at one location.

132 ~~[(28)]~~ (30) (a) "Waste tire transporter" ~~[-(a)]~~ means a person or entity engaged in picking
133 up or transporting at one time more than ten whole waste tires ~~[per year]~~, or the equivalent amount
134 of material derived from waste tires, generated in Utah for the purpose of storage, processing, or
135 disposal ~~[-]~~.

136 (b) "Waste tire transporter" includes any person engaged in the business of collecting,
137 hauling, or transporting waste tires or who performs these functions for another person ~~[-]~~, except
138 as provided in Subsection (30)(c).

139 (c) "Waste tire transporter" does not include ~~[a person transporting tires generated solely~~
140 ~~by]~~:

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

142 ~~[(+)]~~ (A) that person's personal vehicles;

143 ~~[(+)]~~ (B) a commercial vehicle fleet owned or operated by that person or that person's
144 employer;

145 ~~[(+)]~~ (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or
146 operated by that person or that person's employer; or

147 ~~[(+)]~~ (D) a retail tire business ~~[and hauled by the business owner or an employee of the~~
148 ~~business]~~ owned or operated by that person or that person's employer;

149 ~~[(+)]~~ (ii) a solid waste collector operating under a license issued by a unit of local
150 government as defined in Section 63-51-2, or a local health department; ~~[or]~~

151 ~~[(+)]~~ (iii) a recycler ~~[or processor]~~ of ~~[whole]~~ waste tires ~~[into chipped tires]~~; ~~[and]~~

152 ~~[(d)] (iv) [does not include]~~ a person transporting tires by rail as a common carrier subject
 153 to federal regulation[-]; or

154 (v) a person transporting processed or chipped tires.

155 Section 2. Section **19-6-805** is amended to read:

156 **19-6-805. Recycling fee.**

157 (1) (a) ~~[Beginning July 1, 1990, a]~~ A recycling fee is imposed upon each purchase from
 158 a tire retailer of a new tire by a consumer. The fee shall be paid by the consumer to the tire retailer
 159 at the time the new tire is purchased.

160 (b) The recycling fee does not apply to recapped or resold used tires.

161 (2) The fee for each tire with a rim diameter up to and including 24.5 inches, single or dual
 162 bead capacity is~~[-(a)] \$1[, before July 1, 1996;]~~

163 ~~[(b) 50 cents on and after July 1, 1996; and]~~

164 ~~[(c) 85 cents on and after July 1, 1999;]~~

165 Section 3. Section **19-6-809** is amended to read:

166 **19-6-809. Partial reimbursement.**

167 (1) (a) Any recycler may submit an application under Section 19-6-813 to the local health
 168 department having jurisdiction over the applicant's business address for partial reimbursement of
 169 the cost of transporting and processing~~[-, if the recycler on or after the effective date of this act~~
 170 ~~uses]~~ waste tires or materials derived from waste tires that:

171 (i) meet the requirements of [Subsection] Subsections (3) and (4) [exclusively for:]; and

172 (ii) are used within the state for:

173 ~~[(i)]~~ (A) energy recovery or production;

174 ~~[(ii)]~~ (B) the creation of ultimate products;

175 ~~[(iii)]~~ (C) the production of crumb rubber, if a contract exists for the sale of the crumb

176 rubber for use, either within or outside the state, as a component in an ultimate product;

177 (D) the production of chipped tires, if the chipped tires are to be applied to a beneficial use,

178 either within or outside the state, and a contract exists for their sale; or

179 ~~[(iv)]~~ (E) any use defined by board rule as recycling[; or].

180 ~~[(v) any beneficial use;]~~

181 (b) A recycler ~~[who recycles, at an out-of-state location, tires that are generated within the~~
 182 ~~state shall apply to the executive secretary for partial reimbursement, rather than to a local health~~

183 ~~department.] is not eligible to receive partial reimbursement of transportation or processing costs~~
184 related to the creation of an ultimate product if:

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

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

190 (i) delivers waste tires or material derived from waste tires to [a] the recycler; or
191 (ii) processes the waste tires prior to the recycler's receipt of the waste tires or [his receipt
192 of] materials derived from the waste tires for recycling[, but only if the recycler is conducting the
193 recycling operation within the state].

194 (2) (a) Subject to the limitations in Section 19-6-816, a recycler is entitled to \$75 as partial
195 reimbursement for each ton of ~~[tires recycled on and after the effective date of this act]~~ waste tires
196 or material derived from waste tires converted to crumb rubber, if a contract exists for the sale of
197 the crumb rubber for use as a component in an ultimate product.

198 (b) Subject to the limitations in Section 19-6-816, a recycler is entitled to ~~[\$60]~~ \$65 as
199 partial reimbursement for each ton of waste tires or material derived from waste tires ~~[used for a~~
200 ~~beneficial use on and after the effective date of this act]~~ recycled, other than as crumb rubber.

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

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

207 (b) A recycler complying with Subsection (3)(a) ~~[or a recycler operating at an out-of-state~~
208 ~~location]~~ may also receive partial reimbursement for recycling tires received from locations within
209 the state other than those associated with retail tire businesses, including waste tires from waste
210 tire piles and abandoned waste tire piles, under Section 19-6-810.

211 (4) A recycler who applies for partial reimbursement under Subsection (1) shall ~~[also]~~
212 demonstrate the waste tires or materials derived from waste tires that qualify for the
213 reimbursement:

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

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

218 (b) were generated in the state; and

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

221 Section 4. Section **19-6-810** is amended to read:

222 **19-6-810. Recycling waste tires from abandoned waste tire piles and other waste tire**
223 **piles.**

224 (1) A recycler may be reimbursed for recycling or beneficial use of waste tires from an
225 abandoned waste tire pile within the state if:

226 (a) prior to recycling or the beneficial use of any of the waste tires, [~~he~~] the recycler
227 receives an affidavit from the local health department of the jurisdiction where the waste tire pile
228 is located, stating:

229 (i) the waste tire pile is abandoned; and

230 (ii) the local health department has not been able to:

231 (A) locate the persons responsible for the waste tire pile; or [~~has not been able to~~]

232 (B) cause the persons responsible for the waste tire pile to remove it;

233 (b) the waste tire transporter who transports the waste tires to the recycler:

234 (i) is registered[;];

235 (ii) has received from the local health department an affidavit stating it has authorized the
236 transporter to remove the waste tires and deliver them to a recycler[;]; and

237 (iii) provides a copy of the affidavit to the recycler; and

238 (c) the recycler provides to the local health department [~~or the executive secretary, as is~~
239 ~~appropriate under Section 19-6-809;~~];

240 (i) proof of compliance with this Subsection (1) in the required form; and

241 (ii) the information required under Section 19-6-809.

242 (2) A recycler may receive [~~the~~] partial reimbursement for recycling or the beneficial use
243 of waste tires from waste tire piles within the state that are not abandoned if:

244 (a) prior to recycling or the beneficial use of any of the waste tires, [~~he~~] the recycler

245 receives an affidavit from the local health department of the jurisdiction where the waste tire pile
246 is located, stating the waste tire pile is not abandoned;

247 (b) ~~[he]~~ the recycler obtains an affidavit from the owner of the waste tire pile or ~~[his]~~ the
248 owner's authorized designee stating:

249 (i) the waste tires are from a pile to which no tires have been added after June 30, 1991;
250 or

251 (ii) if the waste tires are from a waste tire pile to which waste tires have been added after
252 June 30, 1991, all the waste tires provided to the recycler were generated within the state;

253 (c) the waste tires are transported to the recycler by a registered waste tire transporter, who
254 provides a manifest to the recycler; and

255 (d) the recycler provides to the local health department ~~[or the executive secretary, as is~~
256 ~~appropriate under Section 19-6-809;]~~;

257 (i) proof of compliance with this Subsection (2) in the required form; and

258 (ii) the information required under Section 19-6-809.

259 Section 5. Section **19-6-811** is amended to read:

260 **19-6-811. Funding for management of certain landfill or abandoned waste tire piles**

261 **-- Limitations.**

262 (1) (a) A county or municipality may apply to the executive secretary for payment from
263 the trust fund for ~~[the]~~ costs of a waste tire ~~[transporter's removing]~~ transporter or recycler to
264 remove waste tires from an abandoned waste tire pile or a landfill waste tire pile operated by a state
265 or local governmental entity and deliver the waste tires to a recycler ~~[under the following~~
266 ~~procedure:]~~.

267 (b) The executive secretary may authorize a maximum reimbursement of 60% of a waste
268 tire transporter's or recycler's costs allowed under Subsection (2) to remove waste tires from an
269 abandoned waste tire pile or landfill waste tire pile and deliver the waste tires to a recycler.

270 (c) The executive secretary may deny an application for payment of waste tire pile removal
271 and delivery costs, if the executive secretary determines that payment of the costs will result in
272 there not being sufficient monies in the trust fund to pay expected reimbursements for recycling
273 or beneficial use under Section 19-6-809 during the next quarter.

274 (2) (a) ~~[(1)]~~ The maximum number of miles for which the executive secretary may
275 reimburse for transportation costs incurred by a waste tire transporter under this section, is the

276 number of miles, one way, between the location of the waste tire pile and the State Capitol
277 Building, in Salt Lake City, Utah, or to the recycler, whichever is less.

278 ~~[(ii)]~~ (b) This maximum number of miles available for reimbursement applies regardless
279 of the location of the recycler to which the waste tires are transported under this section.

280 ~~[(iii)]~~ (c) The executive secretary shall, upon request, advise any person preparing a bid
281 under this section of the maximum number of miles available for reimbursement under this
282 Subsection ~~[(1)(a)]~~ (2).

283 ~~[(iv)]~~ (d) The cost under this Subsection ~~[(1)]~~ (2) shall be calculated based on the cost to
284 transport one ton of waste tires one mile.

285 ~~[(b)]~~ (3) (a) The county or municipality shall through a competitive bidding process make
286 a good faith attempt to obtain a bid for the removal of the landfill or abandoned waste tire pile and
287 transport to a recycler.

288 ~~[(c)]~~ (b) The county or municipality shall submit to the executive secretary:

289 (i) (A) (I) a statement from the local health department stating the landfill waste tire pile
290 is operated by a state or local governmental entity~~[-]~~ and consists solely of waste tires diverted
291 from the landfill waste stream ~~[and describing];~~

292 (II) a description of the size and location of the landfill waste tire pile; [or] and

293 (III) landfill records showing the origin of the waste tires; or

294 (B) a statement from the local health department that the waste tire pile is abandoned; and

295 (ii) (A) the bid selected by the county or municipality; or ~~[the fact that]~~

296 (B) if no bids were received, a statement to that fact.

297 ~~[(2)]~~ (4) (a) If a bid is submitted, the executive secretary shall determine if the bid is
298 reasonable, taking into consideration:

299 (i) the location and size of the landfill or abandoned waste tire pile;

300 (ii) the number and size of any other landfill or abandoned waste tire piles in the area; and

301 ~~[(iii) the cost, as allowed under Subsection (1)(a), of transporting the landfill or abandoned~~
302 ~~waste tires to a recycler as compared to the cost of contracting with a mobile facility to cut the~~
303 ~~waste tires so they may be disposed in the landfill; and]~~

304 ~~[(iv)]~~ (iii) the current market for waste tires of the type in the landfill or abandoned waste
305 tire pile.

306 (b) The executive secretary shall advise the county or municipality within 30 days of

307 receipt of the bid whether or not the bid is determined to be reasonable.

308 ~~[(e)]~~ (5) (a) If the bid is found to be reasonable, the county or municipality may proceed
309 to have the landfill or abandoned waste tire pile removed pursuant to the bid.

310 (b) The county or municipality shall advise the executive secretary that the landfill or
311 abandoned waste tire pile has been removed.

312 ~~[(d)]~~ (6) The recycler or waste tire transporter that removed the landfill or abandoned
313 waste tires pursuant to the bid shall submit to the executive secretary a copy of the manifest, which
314 shall state:

315 (a) the number or tons of waste tires transported[;];

316 (b) the location from which they were removed [~~from~~;];

317 (c) the recycler to which the waste tires were delivered[;]; and

318 (d) the amount charged by the transporter or recycler.

319 ~~[(e)]~~ (7) Upon receipt of the information required under Subsection ~~[(2)(d)]~~ (6), and
320 determination that the information is complete, the executive secretary shall, within 30 days after
321 receipt authorize the Division of Finance to reimburse the waste tire transporter or recycler the
322 amount established under this ~~[Subsection (2)]~~ section.

323 Section 6. Section **19-6-813** is amended to read:

324 **19-6-813. Application for partial reimbursement -- Penalty.**

325 (1) An application for partial reimbursement shall be on the form prescribed by the local
326 health department [~~or the executive secretary, as is appropriate under Section 19-6-809;~~] and shall
327 include:

328 (a) the recycler's name and a brief description of the recycler's business;

329 (b) the quantity, in tons, of waste tires recycled or used in a beneficial use;

330 (c) originals or copies of log books, receipts, bills of lading, or other similar documents
331 to establish the tonnage of waste tires recycled or used in a beneficial use;

332 (d) a description of how the waste tires were recycled;

333 (e) proof that is satisfactory to the local health department [~~or the executive secretary, as
334 is appropriate under Section 19-6-809;~~] that the waste tires were recycled or used in a beneficial
335 use; and

336 (f) the affidavit of the recycler warranting that the recycled waste tires or waste tires used
337 for a beneficial use for which reimbursement is sought meet the requirements of Subsection

338 19-6-809(4).

339 (2) In addition to any other penalty imposed under Section 19-6-821 or 19-6-822 or by any
340 other law, any person who knowingly or intentionally provides false information to the local health
341 department [~~or to the executive secretary~~] under Subsection (1):

342 (a) is ineligible to receive any further reimbursement under this part; and

343 (b) shall return to the Division of Finance any reimbursement previously received for
344 deposit in the trust fund.

345 Section 7. Section **19-6-815** is amended to read:

346 **19-6-815. Payment by Division of Finance.**

347 (1) The Division of Finance is authorized to pay the recycler partial reimbursements
348 described in Section 19-6-809 from the trust fund.

349 (2) The Division of Finance shall pay the dollar amount of partial reimbursement approved
350 by the local health department [~~or the executive secretary~~] to the recycler within the next payment
351 period established by rule of the Division of Finance, after receipt of the local health department's
352 [~~or the executive secretary's~~] report and recommendation.

353 Section 8. Section **19-6-816** is amended to read:

354 **19-6-816. Limitations on reimbursement.**

355 (1) The costs reimbursed under this part may not exceed the monies in the trust fund.

356 (2) If applications for [~~partial~~] reimbursement under Section 19-6-809, 19-6-811, or
357 19-6-812 during any month exceed the monies in the trust fund, the Division of Finance shall
358 prorate the amount of all claims for [~~partial~~] reimbursement for the month and defer payment of
359 the remainder.

360 (3) The amount remaining unpaid on a claim for [~~partial~~] reimbursement [~~or a claim under~~
361 ~~Section 19-6-811~~] shall be treated as a new application for [~~partial~~] reimbursement in the next
362 succeeding month until the unpaid amount is \$500 or less, at which time the balance of the claim
363 shall be paid in full.

364 Section 9. Section **19-6-819** is amended to read:

365 **19-6-819. Powers and duties of the board.**

366 (1) The board shall make rules under Title 63, Chapter 46a, Utah Administrative
367 Rulemaking Act, as necessary to administer this part. For these purposes the board shall establish
368 by rule:

369 (a) conditions and procedures for acting to issue or revoke a registration as a waste tire
370 recycler or transporter under Section 19-6-806;

371 (b) the amount of liability insurance or other financial responsibility the applicant is
372 required to have to qualify for registration under Section 19-6-806, ~~[but the]~~ which amount may
373 not be more than \$300,000 for any liability the waste tire transporter or recycler may incur in
374 recycling or transporting waste tires;

375 (c) the form and amount of financial assurance required for a site or facility used to store
376 waste tires, which amount shall be sufficient to ensure the cleanup or removal of waste tires from
377 that site or facility;

378 (d) standards and required documentation for tracking and record keeping of waste tires
379 subject to regulation under this part, including:

380 (i) manifests for handling and transferring waste tires;

381 (ii) records documenting date, quantities, and size or type of waste tires transported,
382 processed, transferred, or sold;

383 (iii) records documenting persons between whom transactions under this Subsection (1)(d)
384 occurred and the amounts of waste tires involved in those transactions; and

385 (iv) requiring that documentation under this Subsection (1)(d) be submitted on a quarterly
386 basis, and that this documentation be made available for public inspection;

387 (e) authorize inspections and audits of waste tire recycling, transportation, or storage
388 facilities and operations subject to this part;

389 (f) standards for payments authorized under Sections 19-6-809, 19-6-810, ~~[and]~~ 19-6-811,
390 and 19-6-812;

391 (g) regarding applications to the executive secretary for reimbursements under Section
392 19-6-811, the content of the reimbursement application form and the procedure to apply for
393 reimbursement;

394 (h) requirements for the storage of waste tires, including permits for storage;

395 (i) the types of energy recovery or other appropriate environmentally compatible uses
396 eligible for reimbursement, which:

397 (i) shall include pyrolization, but not retreading; and

398 ~~[(ii) shall be \$75 for recycling and \$60 for using waste tires for a beneficial use; and]~~

399 ~~[(iii)]~~ (ii) shall apply to all waste tire recycling and beneficial use reimbursements ~~[both]~~

400 within [~~and outside of~~] the state;

401 (j) the applications of waste tires that are not eligible for reimbursement;

402 (k) the applications of waste tires that are considered to be the storage or disposal of waste
403 tires; and

404 (l) provisions governing the storage or disposal of waste tires, including the process for
405 issuing permits for waste tire storage sites.

406 (2) The board may:

407 (a) require retention and submission of the records required under this part;

408 (b) require audits of the records and record keeping procedures required under this part and
409 rules made under this part, except that audits of records regarding the fee imposed and collected
410 by the commission under Sections 19-6-805 and 19-6-808 are the responsibility of the
411 commission; and

412 (c) as necessary, make rules requiring additional information as the board determines
413 necessary to effectively administer Section 19-6-812, [~~but these~~] which rules may not place an
414 undue burden on the operation of landfills.

415 Section 10. Section **19-6-820** is amended to read:

416 **19-6-820. Powers and duties of the executive secretary.**

417 (1) The executive secretary shall:

418 (a) administer and enforce the rules and orders of the board;

419 (b) issue and revoke [~~registration~~] registrations for waste tire recyclers and transporters;

420 and

421 (c) require forms, analyses, documents, maps, and other records as the executive secretary
422 finds necessary to:

423 (i) issue recycler and transporter registrations;

424 (ii) [~~issue recycler partial~~] authorize reimbursements under Section 19-6-811;

425 (iii) inspect a site, facility, or activity regulated under this part; and

426 (iv) issue permits for and inspect waste tire storage sites.

427 (2) The executive secretary may:

428 (a) authorize any division employee to enter any site or facility regulated under this part
429 at reasonable times and upon presentation of credentials, for the purpose of inspection, audit, or
430 sampling:

- 431 (i) at the site or facility; or
432 (ii) of the records, operations, or products;
433 (b) as authorized by the board, enforce board rules by issuing orders which are
434 subsequently subject to the board's amendment or revocation; and
435 (c) coordinate with federal, state, and local governments, and other agencies, including
436 entering into memoranda of understanding, to:
437 (i) ensure effective regulation of waste tires under this part;
438 (ii) minimize duplication of regulation; and
439 (iii) encourage responsible recycling of waste tires.
440 Section 11. **Effective date.**
441 This act takes effect on July 1, 2001.

Legislative Review Note
as of 1-17-01 3:24 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel