

RECYCLING OF WASTE TIRES

2005 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Ure

Senate Sponsor: Thomas V. Hatch

Neal B. Hendrickson

LONG TITLE

General Description:

This bill modifies provisions of the Waste Tire Recycling Act related to the use of waste tires.

Highlighted Provisions:

This bill:

- ▶ provides that a recycler may receive:
 - \$90 as partial reimbursement for each ton of waste tires converted to crumb rubber;
 - \$75 as partial reimbursement for each ton of waste tires recycled other than as crumb rubber; and
 - \$45 as partial reimbursement for each ton of chipped tires used for a beneficial use;
- ▶ provides that the owner or operator of a landfill may receive reimbursement of \$30 per ton of tires placed in a landfill; and
- ▶ makes certain technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

19-6-809. Partial reimbursement.

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

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

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

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

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

- (i) delivers waste tires or material derived from waste tires to the recycler; or

(ii) processes the waste tires prior to the recycler's receipt of the waste tires or materials derived from the waste tires for recycling.

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

(a) \$90 as partial reimbursement for each ton of waste tires or material derived from waste tires converted to crumb rubber, if a contract exists for the sale of the crumb rubber for use as a component in an ultimate product~~[-]~~;

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

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

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

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

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

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

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

(b) were generated in the state; and

(c) if the tires are from a waste tire pile or abandoned waste tire pile, the recycler

complies with the applicable provisions of Section 19-6-810.

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

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

(1) Waste tires received from any source may be disposed in a landfill in Utah operated by a state or local governmental entity or in a commercial landfill in Utah operated in compliance with all relevant requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, if:

(a) the waste tires are shredded; and

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

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

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

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

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

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

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

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

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

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

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

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