

1                                   **WASTE TIRE RECYCLING AMENDMENTS**

2   2008 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Neal B. Hendrickson**

5                                   Senate Sponsor: Brent H. Goodfellow

---

---

7 **LONG TITLE**

8 **General Description:**

9               This bill reduces the partial reimbursement paid to waste tire recyclers and landfill  
10 owners for certain waste tire disposal and recycling uses.

11 **Highlighted Provisions:**

12               This bill:

- 13               ▶ reduces the partial reimbursement paid to waste tire recyclers for certain waste tire  
14 recycling uses;
- 15               ▶ reduces the partial reimbursement paid to landfill owners for waste tire disposal; and
- 16               ▶ makes technical corrections.

17 **Monies Appropriated in this Bill:**

18               None

19 **Other Special Clauses:**

20               None

21 **Utah Code Sections Affected:**

22 AMENDS:

23               **19-6-809**, as last amended by Laws of Utah 2005, Chapter 132

24               **19-6-812**, as last amended by Laws of Utah 2005, Chapter 132

---

---

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

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

28               **19-6-809. Partial reimbursement.**

29               (1) (a) A recycler may submit an application under Section 19-6-813 to the local health

30 department having jurisdiction over the applicant's business address for partial reimbursement  
31 ~~[of]~~ for the cost of transporting and processing a waste [tires] tire or ~~[materials]~~ a material  
32 derived from a waste [tires] tire that:

33 (i) ~~[meet]~~ meets the requirements of Subsections (3) and (4); and

34 (ii) ~~[are]~~ is used within the state for:

35 (A) energy recovery or production;

36 (B) the creation of an ultimate ~~[products]~~ product;

37 (C) the production of crumb rubber, if a contract exists for the sale of the crumb rubber  
38 for use, either within or outside the state, as a component in an ultimate product;

39 (D) the production of a chipped ~~[tires]~~ tire, if:

40 (I) the chipped ~~[tires are to be applied to a beneficial use]~~ tire is beneficially used, either  
41 within or outside the state~~[-];~~; and

42 (II) a contract exists for ~~[their]~~ the sale of the chipped tire; or

43 (E) ~~[any]~~ a use defined ~~[by board rule]~~ in rule as recycling.

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

46 (i) the recycler used crumb rubber as a component of the ultimate product; and

47 (ii) the recycler, or another recycler, previously received under this section partial  
48 reimbursement ~~[of]~~ for transportation or processing costs related to the production of the crumb  
49 rubber.

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

52 (i) delivers a waste ~~[tires]~~ tire or material derived from a waste ~~[tires]~~ tire to the  
53 recycler; or

54 (ii) processes the waste ~~[tires]~~ tire prior to the recycler's receipt of the waste ~~[tires]~~ tire  
55 or ~~[materials]~~ a material derived from the waste ~~[tires]~~ tire for recycling.

56 (2) Subject to the limitations in Section 19-6-816, a recycler is entitled to:

57 (a) ~~[\$90]~~ \$65 as partial reimbursement for each ton of waste tires or material derived

58 from waste tires converted to crumb rubber, if a contract exists for the sale of the crumb rubber  
59 for use as a component in an ultimate product;

60 (b) ~~[\$75]~~ \$50 as partial reimbursement for each ton of waste tires or material derived  
61 from waste tires recycled, other than as crumb rubber; and

62 (c) ~~[\$45]~~ \$20 as partial reimbursement for each ton of chipped tires used for a beneficial  
63 use.

64 (3) (a) ~~[In order for a]~~ A recycler ~~[to be]~~ is eligible for a partial reimbursement~~[:]~~ if the  
65 recycler ~~[shall establish]~~ establishes, in cooperation with a tire ~~[retailers or transporters]~~ retailer  
66 or transporter, or both, a reasonable schedule to remove waste tires in sufficient quantities to  
67 allow for economic transportation of waste tires located in ~~[any]~~ a municipality, as defined in  
68 Section 10-1-104, within the state ~~[as defined in Section 10-1-104]~~.

69 (b) A recycler ~~[complying with]~~ who is eligible for partial reimbursement under  
70 Subsection (3)(a) may also receive partial reimbursement for recycling ~~[tires]~~ a tire received  
71 from ~~[locations]~~ a location within the state other than those associated with a retail tire  
72 ~~[businesses]~~ business, including a waste ~~[tires]~~ tire from a waste tire ~~[piles and]~~ pile or an  
73 abandoned waste tire ~~[piles, under]~~ pile, as provided by Section 19-6-810.

74 (4) A recycler who applies for partial reimbursement under Subsection (1) shall  
75 demonstrate to the local health department identified in Subsection (1)(a) that:

76 (a) the waste ~~[tires or materials]~~ tire or material derived from a waste ~~[tires]~~ tire that  
77 ~~[qualify]~~ qualifies for the reimbursement was:

78 ~~[(a) (i) were]~~ (i) (A) removed and transported by a registered waste tire transporter, a  
79 recycler, or a tire retailer; or

80 ~~[(ii) were]~~ (B) generated by a private person who:

81 (I) is not a waste tire transporter as defined in Section 19-6-803~~[:]~~; and ~~[that person]~~

82 (II) brings the waste ~~[tires]~~ tire to the recycler; and

83 ~~[(b) were]~~ (ii) generated in the state; and

84 ~~[(c)]~~ (b) if the ~~[tires are]~~ tire is from a waste tire pile or abandoned waste tire pile, the  
85 recycler ~~[complies]~~ complied with the ~~[applicable provisions]~~ requirements 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]~~ A waste tire may be disposed of in a  
89 landfill ~~[in Utah operated by a state or local governmental entity or in a commercial landfill in~~  
90 ~~Utah] if:~~

91 (a) the land fill is operated in compliance with ~~[all relevant]~~ the requirements of Title  
92 19, Chapter 6, Part 1, Solid and Hazardous Waste Act~~[-if:];~~

93 ~~[(a)]~~ (b) the waste [tires are] tire is shredded; and

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

97 (2) ~~[(a)]~~ The owner or operator of ~~[the]~~ a landfill may apply ~~[for and receive]~~ to the  
98 local health department having jurisdiction over the applicant's business address for  
99 reimbursement of [\$30] \$20 per ton of waste tires placed in [a] the landfill if:

100 (a) the waste tires are disposed in compliance with Subsection (1)~~[-but only if];~~

101 (b) the waste tires are generated from [tires used in] within the state~~[-and not from~~  
102 ~~used tires or waste tires brought in from out of state.]; and~~

103 ~~[(b) An application for payment under this subsection shall include complete records,~~  
104 ~~including]~~

105 (c) the application includes:

106 (i) the site from which the waste tires are removed[-];

107 (ii) the landfill where the waste tires are disposed[-]; and

108 (iii) the amount of shredded tires disposed.

109 (3) ~~[The]~~ An application ~~[process for receiving payment]~~ for reimbursement under this  
110 section is substantially the same as the application process ~~[for]~~ required of recyclers applying  
111 for partial reimbursement under ~~[this part]~~ Section 19-6-813.

112 (4) ~~[Waste tires, in any form,]~~ A waste tire, for which reimbursement is paid under this  
113 section, ~~[are not subject to any further or]~~ is not eligible for additional reimbursement under this

114 part [at any time].

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