

1 **WASTE TIRE AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

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

5 Senate Sponsor: Gene Davis

6

LONG TITLE

7 **General Description:**

8 This bill amends provisions of the Waste Tire Recycling Act relating to the transfer of
9 ownership of waste tires and the partial reimbursement of recyclers.
10

11 **Highlighted Provisions:**

12 This bill:

13 ▶ modifies ~~§~~ → [the definition of "waste tire";] definitions; ← ~~§~~

14 ▶ prohibits a tire retailer from transferring ownership of a waste tire to anyone other
15 than ~~H~~ → :

15a ◦ ← ~~H~~ a waste tire transporter ~~H~~ → that agrees to transport the tire to a tire retailer that
15b sells the tire wholesale or retail or a recycler; ← ~~H~~ or

15c ~~H~~ → ◦ ← ~~H~~ a person who purchases it for the person's own use;

16 ▶ prohibits a recycler from receiving partial reimbursement for baling whole waste
17 tires or materials derived from waste tires that are larger than shredded tires;

18 ▶ deletes references to the Waste Tire Recycling Industrial Assistance Loan Program
19 and the Waste Tire Recycling Industrial Assistance Loan Fund; and

20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **19-6-803**, as last amended by Laws of Utah 2008, Chapter 382

H.B. 72



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

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

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

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

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

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

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

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

105 (b) "Storage" does not include:

106 (i) the use of waste tires as ballast to maintain covers on agricultural materials or to
107 maintain covers at a construction site; ~~§→ [or] ←§~~

108 (ii) the storage for five or fewer days of waste tires or material derived from waste tires
109 that are to be recycled or applied to a beneficial use ~~§→ [-] ; or~~

109a **(iii) the storage of a waste tire before the tire is:**

109b **(A) resold wholesale or retail; or**

109c **(B) recapped. ←§**

110 (24) (a) "Store" means to place waste tires in a manner that does not constitute disposal
111 of the waste tires.

112 (b) "Store" does not include:

113 (i) to use waste tires as ballast to maintain covers on agricultural materials or to
114 maintain covers at a construction site; or

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

117 (25) "Tire" means a pneumatic rubber covering designed to encircle the wheel of a
118 vehicle in which a person or property is or may be transported or drawn upon a highway.

119 (26) "Tire retailer" means any person engaged in the business of selling new tires either
120 as replacement tires or as part of a new vehicle sale.

152 or

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

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

155 **19-6-804. Restrictions on disposal and transfer of tires -- Penalties.**

156 (1) (a) [~~After January 1, 1994, an~~] An individual, including a waste tire transporter,
157 may not dispose of more than four whole tires at one time in a landfill or any other location in
158 the state authorized by the executive secretary to receive waste tires, except for purposes
159 authorized by board rule.

160 (b) Tires are exempt from this Subsection (1) if the original tire has a rim diameter
161 greater than 24.5 inches.

162 (c) No person, including a waste tire transporter, may dispose of waste tires or store
163 waste tires in any manner not allowed under this part or rules made under this part.

164 (2) The operator of the landfill or other authorized location shall direct that the waste
165 tires be disposed in a designated area to facilitate retrieval if a market becomes available for the
166 disposed waste tires or material derived from waste tires.

167 (3) An individual, including a waste tire transporter, may dispose of shredded waste
168 tires in a landfill in accordance with Section 19-6-812, and may also, without reimbursement,
169 dispose in a landfill materials derived from waste tires that do not qualify for reimbursement
170 under Section 19-6-812, but the landfill shall dispose of the material in accordance with
171 Section 19-6-812.

172 (4) A tire retailer may only transfer ownership of a waste tire described in Subsection
173 19-6-803(28)(b) to:

174 (a) a person who purchases it for the person's own use and not for resale; or

175 (b) a waste tire transporter that ~~H→~~ :

175a (i) ~~←H~~ is registered in accordance with Section 19-6-806 ~~H→~~ [:] ; and

175b (ii) agrees to transport the tire to:

175c (A) a tire retailer that sells the tire wholesale or retail; or

175d (B) a recycler. ~~←H~~

176 [~~(4)~~] (5) (a) An individual, including a waste tire transporter, violating this section is
177 subject to enforcement proceedings and a civil penalty of not more than \$100 per waste tire or
178 per passenger tire equivalent disposed of in violation of this section. A warning notice may be
179 issued prior to taking further enforcement action under this Subsection [~~(4)~~] (5).

180 (b) A civil proceeding to enforce this section and collect penalties under this section
181 may be brought in the district court where the violation occurred by the board, the local health
182 department, or the county attorney having jurisdiction over the location where the tires were

183 disposed in violation of this section.

184 (c) Penalties collected under this section shall be deposited in the fund.

185 Section 3. Section **19-6-807** is amended to read:

186 **19-6-807. Special revenue fund -- Creation -- Deposits.**

187 (1) There is created a restricted special revenue fund entitled the "Waste Tire Recycling
188 Fund."

189 (2) The fund shall consist of:

190 (a) the proceeds of the fee imposed under Section 19-6-805; ~~Ĥ→~~ and ~~←Ĥ~~

191 (b) penalties collected under this part ~~Ĥ→~~ [~~and~~].

192 ~~(c) assets transferred to and loan repayments deposited in the fund pursuant to Section~~
193 ~~19-6-824.~~ ~~←Ĥ~~

194 (3) Money in the fund shall be used for:

195 (a) partial reimbursement of the costs of transporting, processing, recycling, or
196 disposing of waste tires as provided in this part; and

197 (b) payment of administrative costs of local health departments as provided in Section
198 19-6-817[;].

199 ~~[(c) payment of costs incurred by the Division of Finance in accounting for and~~
200 ~~tracking outstanding loans made under the Waste Tire Recycling Industrial Assistance Loan~~
201 ~~Program; and]~~

202 ~~[(d) payment of costs incurred by the Governor's Office of Economic Development in~~
203 ~~collecting outstanding loans made under the Waste Tire Recycling Industrial Assistance Loan~~
204 ~~Program.]~~

205 (4) The Legislature may appropriate money from the fund to pay for costs of the
206 Department of Environmental Quality in administering and enforcing this part.

207 Section 4. Section **19-6-809** is amended to read:

208 **19-6-809. Partial reimbursement.**

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

213 (i) meets the requirements of Subsections (3) and (4); and