

**TIRE RECYCLING MODIFICATIONS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lee B. Perry**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to tire recycling.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of "crumb rubber";
- ▶ addresses waste tire transporters complying with this part; ~~§~~ **and** ~~§~~

~~§~~ [ ~~→~~ ~~adjusts rates of partial reimbursement; ~~§~~ **and** ~~§~~~~ ] ~~←~~ ~~§~~

~~§~~ [ ~~→~~ ~~addresses funding for management of certain landfill or abandoned waste tire piles;~~  
~~and~~ ] ~~←~~ ~~§~~

- ▶ makes technical corrections.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**19-6-803**, as last amended by Laws of Utah 2015, Chapter 451

**19-6-806**, as last amended by Laws of Utah 2012, Chapter 360

~~§~~ [ ~~→~~ ~~19-6-809, as last amended by Laws of Utah 2012, Chapter 263~~ ] ~~←~~ ~~§~~

~~§~~ [ ~~→~~ ~~19-6-811, as last amended by Laws of Utah 2012, Chapter 360~~ ] ~~←~~ ~~§~~

H.B. 126



183 the change.

184 (d) If the director has reason to believe a waste tire recycler has falsified any  
185 information provided in an application for partial reimbursement under this section, the  
186 director shall, after complying with the procedural requirements of Title 63G, Chapter 4,  
187 Administrative Procedures Act, revoke the registration.

188 (3) The board shall establish a uniform fee for registration [~~which~~] that shall be  
189 imposed by [~~any~~] a unit of local government or local health department that requires a  
190 registration fee as part of the registration of waste tire transporters or waste tire recyclers.

191 **§→ [Section 3. Section 19-6-809 is amended to read:**

192 ~~———— 19-6-809. Partial reimbursement.~~

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

197 ~~———— (i) meets the requirements of Subsections (3) and (4); and~~

198 ~~———— (ii) is used within the state for:~~

199 ~~———— (A) energy recovery or production;~~

200 ~~———— (B) the creation of an ultimate product;~~

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

203 ~~———— (D) the production of a chipped tire, if:~~

204 ~~———— (I) the chipped tire is beneficially used, either within or outside the state; and~~

205 ~~———— (H) a contract exists for the sale of the chipped tire; or~~

206 ~~———— (E) a use defined in rule as recycling.~~

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

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

210 ~~———— (ii) the recycler, or another recycler, previously received under this section partial~~  
211 ~~reimbursement for transportation or processing costs related to the production of the crumb~~  
212 ~~rubber.~~

213 ~~———— (c) A recycler who qualifies under this section for partial reimbursement may waive the~~Ⓢ

214 ~~reimbursement and request in writing that the reimbursement be paid to a person who:~~  
 215 ~~—— (i) delivers a waste tire or material derived from a waste tire to the recycler; or~~  
 216 ~~—— (ii) processes the waste tire before the recycler receives the waste tire or a material~~  
 217 ~~derived from the waste tire for recycling.~~  
 218 ~~—— (d) A recycler is not eligible to receive partial reimbursement for transportation or~~  
 219 ~~processing costs for baling:~~  
 220 ~~—— (i) whole waste tires; or~~  
 221 ~~—— (ii) materials derived from waste tires that are larger than shredded waste tires.~~  
 222 ~~—— (2) Subject to the limitations in Section 19-6-816, a recycler is entitled to:~~  
 223 ~~—— (a) \$65] \$80 as partial reimbursement for [each] a ton of waste tires or material~~  
 224 ~~derived from waste tires converted to crumb rubber, if a contract exists for the sale of the~~  
 225 ~~crumb rubber for use as a component in an ultimate product;~~  
 226 ~~—— (b) \$50 as partial reimbursement for [each] a ton of waste tires or material derived~~  
 227 ~~from waste tires recycled, other than as crumb rubber; and~~  
 228 ~~—— (c) \$20 as partial reimbursement for [each] a ton of chipped tires used for a beneficial~~  
 229 ~~use.~~  
 230 ~~—— (3) (a) A recycler is eligible for a partial reimbursement if the recycler establishes, in~~  
 231 ~~cooperation with a tire retailer or transporter, or both, a reasonable schedule to remove waste~~  
 232 ~~tires in sufficient quantities to allow for economic transportation of waste tires located in a~~  
 233 ~~municipality, as defined in Section 10-1-104, within the state.~~  
 234 ~~—— (b) A recycler who is eligible for partial reimbursement under Subsection (3)(a) may~~  
 235 ~~also receive partial reimbursement for recycling a tire received from a location within the state~~  
 236 ~~other than those associated with a retail tire business, including a waste tire from a waste tire~~  
 237 ~~pile or an abandoned waste tire pile, as provided by Section 19-6-810.~~  
 238 ~~—— (4) A recycler who applies for partial reimbursement under Subsection (1) shall~~  
 239 ~~demonstrate to the local health department identified in Subsection (1)(a) that:~~  
 240 ~~—— (a) the waste tire or material derived from a waste tire that qualifies for the~~  
 241 ~~reimbursement was:~~  
 242 ~~—— (i) (A) removed and transported by a registered waste tire transporter, a recycler, or a~~  
 243 ~~tire retailer; or~~  
 244 ~~—— (B) generated by a private person who: (A)~~

245 ~~⊕~~ (I) is not a waste tire transporter as defined in Section ~~19-6-803~~; and  
 246 ~~————~~ (H) brings the waste tire to the recycler; and  
 247 ~~————~~ (ii) generated in the state; and  
 248 ~~————~~ (b) if the tire is from a waste tire pile or abandoned waste tire pile, the recycler  
 249 complied with the requirements of Section ~~19-6-810~~.] ~~←~~§  
 250 ~~H~~→ [Section 4. Section 19-6-811 is amended to read:  
 251 ~~————~~ 19-6-811. Funding for management of certain landfill or abandoned waste tire  
 252 piles -- Limitations:  
 253 ~~————~~ (1) (a) A county or municipality may apply to the director for payment from the fund  
 254 for costs of a waste tire transporter or recycler to remove waste tires from an abandoned waste  
 255 tire pile or a landfill waste tire pile operated by a state or local governmental entity and deliver  
 256 the waste tires to a recycler.  
 257 ~~————~~ (b) The director may authorize a maximum reimbursement of:  
 258 ~~————~~ (i) 100% of a waste tire transporter's or recycler's costs allowed under Subsection (2) to  
 259 remove waste tires from an abandoned waste tire pile or landfill waste tire pile and deliver the  
 260 waste tires to a recycler, if no waste tires have been added to the abandoned waste tire pile or  
 261 landfill waste tire pile on or after July 1, 2001; or  
 262 ~~————~~ (ii) ~~[60%]~~ 100% of a waste tire transporter's or recycler's costs allowed under  
 263 Subsection (2) to remove waste tires from an abandoned waste tire pile or landfill waste tire  
 264 pile and deliver the waste tires to a recycler, if waste tires have been added to the abandoned  
 265 waste tire pile or landfill waste tire pile on or after July 1, 2001.  
 266 ~~————~~ (c) The director may deny an application for payment of waste tire pile removal and  
 267 delivery costs, if the director determines that payment of the costs will result in there not being  
 268 sufficient money in the fund to pay expected reimbursements for recycling or beneficial use  
 269 under Section ~~19-6-809~~ during the next quarter.  
 270 ~~————~~ (2) (a) The maximum number of miles for which the director may reimburse for  
 271 transportation costs incurred by a waste tire transporter under this section is the number of  
 272 miles, one way, between the location of the waste tire pile and the State Capitol Building, in  
 273 Salt Lake City, Utah, or to the recycler, whichever is less.  
 274 ~~————~~ (b) This maximum number of miles available for reimbursement applies regardless of  
 275 the location of the recycler to which the waste tires are transported under this section.] ~~←~~§

276 ~~Ĥ→~~ (c) The director shall, upon request, advise any person preparing a bid under this  
 277 section of the maximum number of miles available for reimbursement under this Subsection  
 278 (2).  
 279 ~~————~~ (d) The cost under this Subsection (2) shall be calculated based on the cost to transport  
 280 one ton of waste tires one mile.  
 281 ~~————~~ (3) (a) The county or municipality shall through a competitive bidding process make a  
 282 good faith attempt to obtain a bid for the removal of the landfill or abandoned waste tire pile  
 283 and transport to a recycler.  
 284 ~~————~~ (b) The county or municipality shall submit to the director:  
 285 ~~————~~ (i) (A) (I) a statement from the local health department stating the landfill waste tire  
 286 pile is operated by a state or local governmental entity and consists solely of waste tires  
 287 diverted from the landfill waste stream;  
 288 ~~————~~ (H) a description of the size and location of the landfill waste tire pile; and  
 289 ~~————~~ (HH) landfill records showing the origin of the waste tires; or  
 290 ~~————~~ (B) a statement from the local health department that the waste tire pile is abandoned;  
 291 and  
 292 ~~————~~ (ii) (A) the bid selected by the county or municipality; or  
 293 ~~————~~ (B) if no bids were received, a statement to that fact.  
 294 ~~————~~ (4) (a) If a bid is submitted, the director shall determine if the bid is reasonable, taking  
 295 into consideration:  
 296 ~~————~~ (i) the location and size of the landfill or abandoned waste tire pile;  
 297 ~~————~~ (ii) the number and size of any other landfill or abandoned waste tire piles in the area;  
 298 and  
 299 ~~————~~ (iii) the current market for waste tires of the type in the landfill or abandoned waste tire  
 300 pile.  
 301 ~~————~~ (b) The director shall advise the county or municipality within 30 days of receipt of the  
 302 bid whether or not the bid is determined to be reasonable.  
 303 ~~————~~ (5) (a) If the bid is found to be reasonable, the county or municipality may proceed to  
 304 have the landfill or abandoned waste tire pile removed pursuant to the bid.  
 305 ~~————~~ (b) The county or municipality shall advise the director that the landfill or abandoned  
 306 waste tire pile has been removed.] ←Ĥ

307           ~~Ĥ→ [(6) The recycler or waste tire transporter that removed the landfill or abandoned waste~~  
308 ~~tires pursuant to the bid shall submit to the director a copy of the manifest, which shall state:~~  
309 ~~—— (a) the number or tons of waste tires transported;~~  
310 ~~—— (b) the location from which they were removed;~~  
311 ~~—— (c) the recycler to which the waste tires were delivered; and~~  
312 ~~—— (d) the amount charged by the transporter or recycler.~~  
313 ~~—— (7) Upon receipt of the information required under Subsection (6), and determination~~  
314 ~~that the information is complete, the director shall, within 30 days after receipt authorize the~~  
315 ~~Division of Finance to reimburse the waste tire transporter or recycler the amount established~~  
316 ~~under this section.] ←Ĥ~~