

Senator Scott D. Sandall proposes the following substitute bill:

TIRE RECYCLING MODIFICATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Todd Weiler

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
- ▶ 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

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

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



26 **19-6-803. Definitions.**

27 As used in this part:

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

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

31 (b) cause the persons responsible for the tire pile to remove ~~[it]~~ the tire pile.

32 (2) (a) "Beneficial use" means the use of chipped tires in a manner that is not recycling,
33 storage, or disposal, but that serves as a replacement for another product or material for specific
34 purposes.

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

36 (i) as daily landfill cover;

37 (ii) for civil engineering purposes;

38 (iii) as low-density, light-weight aggregate fill; or

39 (iv) for septic or drain field construction.

40 (c) "Beneficial use" does not include the use of waste tires or material derived from
41 waste tires:

42 (i) in the construction of fences; or

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

44 (3) "Board" means the Waste Management and Radiation Control Board created under
45 Section [19-1-106](#).

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

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

48 (6) (a) "Consumer" means a person who purchases a new tire to satisfy a direct need,
49 rather than for resale.

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

52 (7) "Crumb rubber" means waste tires that have been ground, shredded, or otherwise
53 reduced in size such that the particles are less than or equal to ~~[3/8]~~ 3/4 inch in diameter and
54 are 98% wire free by weight.

55 (8) "Director" means the director of the Division of Waste Management and Radiation
56 Control.

57 (9) "Disposal" means the deposit, dumping, or permanent placement of [any] waste tire
58 in or on [any] land or in [any] water in the state.

59 (10) "Dispose of" means to deposit, dump, or permanently place [any] waste tire in or
60 on [any] land or in [any] water in the state.

61 (11) "Division" means the Division of Waste Management and Radiation Control
62 created in Section 19-1-105.

63 (12) "Fund" means the Waste Tire Recycling Fund created in Section 19-6-807.

64 (13) "Landfill waste tire pile" means a waste tire pile:

65 (a) located within the permitted boundary of a landfill operated by a governmental
66 entity; and

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

69 (14) "Local health department" means the local health department, as defined in
70 Section 26A-1-102, with jurisdiction over the recycler.

71 (15) "Materials derived from waste tires" means tire sections, tire chips, tire
72 shreddings, rubber, steel, fabric, or other similar materials derived from waste tires.

73 (16) "Mobile facility" means a mobile facility capable of cutting waste tires on site so
74 the waste tires may be effectively disposed of by burial, such as in a landfill.

75 (17) "New motor vehicle" means a motor vehicle [~~which~~] that has never been titled or
76 registered.

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

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

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

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

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

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

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

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

92 (b) "Storage" does not include:

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

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

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

98 (A) resold wholesale or retail; or

99 (B) recapped.

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

102 (b) "Store" does not include:

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

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

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

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

111 (27) (a) "Ultimate product" means a product that has as a component materials derived
112 from waste tires and that the director finds has a demonstrated market.

113 (b) "Ultimate product" includes pyrolyzed materials derived from:

114 (i) waste tires; or

115 (ii) chipped tires.

116 (c) "Ultimate product" does not include a product regarding which a waste tire remains
117 after the product is disposed of or disassembled.

118 (28) "Waste tire" means:

119 (a) a tire that is no longer suitable for [~~its~~] the tire's original intended purpose because
120 of wear, damage, or defect; or

121 (b) a tire that a tire retailer removes from a vehicle for replacement with a new or used
122 tire.

123 (29) "Waste tire pile" means a pile of 1,000 or more waste tires at one location.

124 (30) (a) "Waste tire transporter" means a person [~~or entity~~] engaged in picking up or
125 transporting at one time more than 10 whole waste tires, or the equivalent amount of material
126 derived from waste tires, generated in Utah for the purpose of storage, processing, or disposal.

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

130 (c) "Waste tire transporter" does not include:

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

132 (A) that person's personal vehicles;

133 (B) a commercial vehicle fleet owned or operated by that person or that person's
134 employer;

135 (C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or
136 operated by that person or that person's employer; or

137 (D) a retail tire business owned or operated by that person or that person's employer;

138 (ii) a solid waste collector operating under a license issued by a unit of local
139 government as defined in Section [63M-5-103](#), or a local health department;

140 (iii) a recycler of waste tires;

141 (iv) a person transporting tires by rail as a common carrier subject to federal regulation;

142 or

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

144 Section 2. Section **19-6-806** is amended to read:

145 **19-6-806. Registration of waste tire transporters and recyclers.**

146 (1) (a) The director shall register [~~each~~] an applicant for registration to act as a waste
147 tire transporter if the applicant meets the requirements of this section.

148 (b) An applicant for registration as a waste tire transporter shall:

149 (i) submit an application in a form prescribed by the director;

- 150 (ii) pay a fee as determined by the board under Section 63J-1-504;
- 151 (iii) provide the name and business address of the operator;
- 152 (iv) provide proof of liability insurance or other form of financial responsibility in an
153 amount determined by board rule, but not more than \$300,000, for any liability the waste tire
154 transporter may incur in transporting waste tires; and
- 155 (v) meet requirements established by board rule.
- 156 (c) The holder of a registration under this section shall advise the director in writing of
157 [~~any changes~~] a change in application information provided to the director within 20 days of
158 the change.
- 159 (d) A waste tire transporter may only deliver tires to a recycler in accordance with this
160 part or rules made under this part. If the director has reason to believe a waste tire transporter
161 has disposed of tires other than as allowed under this part, the director shall conduct an
162 investigation and, after complying with the procedural requirements of Title 63G, Chapter 4,
163 Administrative Procedures Act, may revoke the registration.
- 164 (2) (a) The director shall register [~~each~~] an applicant for registration to act as a waste
165 tire recycler if the applicant meets the requirements of this section.
- 166 (b) An applicant for registration as a waste tire recycler shall:
 - 167 (i) submit an application in a form prescribed by the director;
 - 168 (ii) pay a fee as determined by the board under Section 63J-1-504;
 - 169 (iii) provide the name and business address of the operator of the recycling business;
 - 170 (iv) provide proof of liability insurance or other form of financial responsibility in an
171 amount determined by board rule, but not more than \$300,000, for any liability the waste tire
172 recycler may incur in storing and recycling waste tires;
 - 173 (v) engage in activities as described under the definition of recycler in Section
174 19-6-803; and
 - 175 (vi) meet requirements established by board rule.
- 176 (c) The holder of a registration under this section shall advise the director in writing of
177 [~~any changes~~] a change in application information provided to the director within 20 days of
178 the change.
- 179 (d) If the director has reason to believe a waste tire recycler has falsified any
180 information provided in an application for partial reimbursement under this section, the

181 director shall, after complying with the procedural requirements of Title 63G, Chapter 4,
182 Administrative Procedures Act, revoke the registration.

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