

WASTE TIRE RECYCLING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to waste tire recycling.

Highlighted Provisions:

This bill:

- ▶ modifies ~~H~~→ **definition** ←~~H~~ provisions;
- ▶ changes the process and limitations on the funding for management of certain landfill or abandoned waste tire piles;
- ▶ addresses criminal penalties; and
- ▶ makes technical changes.

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 2020, Chapter 27

19-6-811, as last amended by Laws of Utah 2019, Chapter 70

19-6-822, as repealed and reenacted by Laws of Utah 2012, Chapter 263

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

H.B. 236



152 for costs of a waste tire transporter or recycler to remove waste tires from an abandoned waste
 153 tire pile [~~or a landfill waste tire pile operated by a state or local governmental entity~~] located
 154 within that county or municipality and deliver the waste tires to a recycler.

155 (b) (i) ~~H~~→ [An] Subject to Subsection (1)(b)(iii), an ~~←H~~ operator of a state or local
 155a government landfill or of a transfer station may
 156 apply to the director for payment from the fund for costs to remove waste tires from a waste
 157 tire pile located at that landfill or transfer station and deliver the waste tires to a recycler.

158 (ii) If the removal and delivery of waste tires is to be conducted by a registered
 159 third-party waste tire transporter or recycler, the operator of a state or local government landfill
 160 or transfer station is subject to the competitive bidding process of Subsections (3) through (5).

160a ~~H~~→ (iii) For a state or local government landfill or a transfer station located in a
 160b county of the first or second class, the division:

160c (A) shall reimburse under Subsection (1)(b)(i) an operator of the state or local
 160d government landfill or of a transfer station in the order that the operator submits a completed
 160e request for reimbursement under Subsection (1)(b)(i); and

160f (B) may not reimburse an operator of a state or local government landfill or a transfer
 160g station located in a county of the first or second class if, at the time the operator submits the
 160h operator's request for reimbursement, the aggregate of the reimbursements to state or local
 160i government landfills or transfer stations located in a county of the first or second class made
 160j under Subsection (1)(b)(i) in a fiscal year equals \$80,000.

160k (iv) Subsection (1)(b)(iii) does not apply to a state or local government landfill or
 160l transfer station that is located in a county of the third through sixth class. ~~←H~~

161 [~~(b)~~] (c) (i) The director may authorize ~~H~~→ [~~a maximum~~] ~~←H~~ reimbursement of [~~:(i)~~]
 161a subject to
 162 Subsection ~~(1)(d)~~;] ~~H~~→ [~~100% of~~] ~~←H~~ a waste tire transporter's or recycler's costs, subject to
 162a Subsections

163 (1)(e) and (f) and as allowed under Subsection (2), to remove waste tires from an abandoned
 164 waste tire pile ~~H~~→ located in a municipality or county ~~←H~~ or ~~H~~→ a state or local
 164a government ~~←H~~ landfill waste tire pile and deliver the waste tires to a recycler[~~;-if~~].

165 [~~(A) waste tires have been added to the abandoned waste tire pile or landfill waste tire~~
 166 ~~pile on or after July 1, 2001; and]~~

167 [~~(B) the county is a county of the third, fourth, fifth, or sixth class, or the municipality~~
 168 ~~is located in a county of the third, fourth, fifth, or sixth class;~~]

169 [~~(ii) subject to Subsection (1)(d), 60% of a waste tire transporter's or recycler's costs~~⊕

170 ~~allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or~~
171 ~~landfill waste tire pile and deliver the waste tires to a recycler, if:]~~
172 ~~[(A) waste tires have been added to the abandoned waste tire pile or landfill waste tire~~
173 ~~pile on or after July 1, 2001, and]~~
174 ~~[(B) the county is a county of the first or second class, or the municipality is in a~~
175 ~~county of the first or second class; or]~~
176 ~~[(iii) subject to Subsection (1)(d), 60% of waste tire transporter's or recycler's costs~~
177 ~~allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or~~
178 ~~landfill waste tire pile and deliver the waste tires to a recycler if the waste tires have been~~
179 ~~added to the abandoned waste tire pile and landfill waste tire pile on or after July 1, 2001, and~~
180 ~~the reimbursement is for:]~~
181 ~~[(A) an interlocal cooperative agency;]~~
182 ~~[(B) a special district; or]~~

183 ~~[(C) a waste transfer station.]~~

184 (ii) The cost of transporting waste tires from a transfer station to a landfill operated by
 185 a governmental entity is not eligible for reimbursement.

186 ~~[(c)]~~ (d) The director may deny an application for payment of waste tire pile removal
 187 and delivery costs, if the director determines that payment of the costs will result in there not
 188 being sufficient money in the fund to pay expected reimbursements for recycling or beneficial
 189 use under Section 19-6-809 during the next quarter.

190 ~~[(d)]~~ (e) ~~[In order to]~~ To be eligible for reimbursement under ~~[Subsections (1)(a) and~~
 191 ~~(b)]~~ Subsection (1) ~~H→~~ (a) (b)(ii) ~~←H~~, a county or municipality shall receive a minimum of two
 191a eligible bids

192 for transportation or recycling, unless it is impossible to receive two eligible bids due to a
 193 transporter or recycler:

194 (i) declining to offer a bid for the project; or

195 (ii) not being in compliance with state statute or rules made in accordance with Title
 196 63G, Chapter 3, Utah Administrative Rulemaking Act.

197 (f) To be eligible for reimbursement under Subsection (1)(b), an operator of a state or
 198 local government landfill or transfer station shall submit to the director:

199 (i) a statement:

200 (A) confirming that the waste tires were received at the landfill or transfer station;

201 (B) confirming that the landfill waste tire pile consists solely of waste tires diverted
 202 from the landfill or transfer station waste stream; and

203 (C) describing the size and location of the landfill waste tire pile; and

204 (ii) landfill or transfer station waste receipt records indicating the origin of the waste
 205 tires.

206 (2) (a) The maximum number of miles for which the director may reimburse for
 207 transportation costs incurred by a waste tire transporter under this section is the number of
 208 miles, one way, between the location of the waste tire pile and the ~~[State Capitol Building, in~~
 209 ~~Salt Lake City, Utah, or to the recycler, whichever is less]~~ recycler.

210 (b) This maximum number of miles available for reimbursement applies regardless of
 211 the location of the recycler to which the waste tires are transported under this section.

212 (c) The director shall, upon request, advise any person preparing a bid under this
 213 section of the maximum number of miles available for reimbursement under this Subsection