

WASTE TIRE RECYCLING ACT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: Scott D. Sandall

LONG TITLE**Committee Note:**

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 6 absent

General Description:

This bill addresses waste tires.

Highlighted Provisions:

This bill:

- ▶ modifies definitions related to waste tire piles;
- ▶ increases the number of whole waste tires a person may transfer at one time to a landfill or any other location in the state authorized by the director to receive waste tires;
- ▶ addresses storage of whole waste tires;
- ▶ extends the relevant sunset date; 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 2019, Chapter 114

19-6-804, as last amended by Laws of Utah 2012, Chapters 263 and 360

63I-1-219, as last amended by Laws of Utah 2019, Chapters 62, 63, 64, 65, 246, 469,
and 477

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

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

19-6-803. Definitions.

As used in this part:

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

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

(b) cause the persons responsible for the tire pile to remove the tire pile.

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

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

(i) as daily landfill cover;

(ii) for civil engineering purposes;

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

(iv) for septic or drain field construction.

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

(i) in the construction of fences; or

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

(3) "Board" means the Waste Management and Radiation Control Board created under
Section **19-1-106**.

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

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

(6) (a) "Consumer" means a person who purchases a new tire to satisfy a direct need,

rather than for resale.

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

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

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

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

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

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

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

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

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

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

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

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

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

(17) "New motor vehicle" means a motor vehicle that has never been titled or registered.

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

(19) "Proceeds of the fee" means the money collected by the commission from

90 payment of the recycling fee including interest and penalties on delinquent payments.

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

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

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

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

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

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

102 (b) "Storage" does not include:

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

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

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

108 (A) resold wholesale or retail; or

109 (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 a person engaged in the business of selling new tires either
120 as replacement tires or as part of a new vehicle sale.

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

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

(i) waste tires; or

(ii) chipped tires.

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

(28) "Waste tire" means:

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

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

(29) "Waste tire pile" means a pile of ~~[1,000]~~ 200 or more waste tires at one location.

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

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

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

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

(A) that person's personal vehicles;

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

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

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

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

(iii) a recycler of waste tires;

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

or

(v) a person transporting processed or chipped tires.

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

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

(1) (a) An individual, including a waste tire transporter, may not ~~dispose of~~ transfer for temporary storage more than ~~four~~ 12 whole tires at one time ~~in~~ to a landfill or ~~any~~ other location in the state authorized by the director to receive waste tires, except for purposes authorized by board rule.

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

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

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

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

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

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

(b) a waste tire transporter that:

(i) is registered in accordance with Section **19-6-806**; and

(ii) agrees to transport the tire to:

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

(B) a recycler.

(5) (a) An individual, including a waste tire transporter, violating this section is subject to enforcement proceedings and a civil penalty of not more than \$100 per waste tire or per passenger tire equivalent disposed of in violation of this section. A warning notice may be

issued ~~[prior to]~~ before taking further enforcement action under this Subsection (5).

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

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

Section 3. Section **63I-1-219** is amended to read:

63I-1-219. Repeal dates, Title 19.

(1) Title 19, Chapter 2, Air Conservation Act, is repealed July 1, 2029.

(2) Section ~~19-2a-102~~ is repealed July 1, 2021.

(3) Section ~~19-2a-104~~ is repealed July 1, 2022.

(4) Title 19, Chapter 4, Safe Drinking Water Act, is repealed July 1, 2024.

(5) Title 19, Chapter 5, Water Quality Act, is repealed July 1, 2029.

(6) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act, is repealed July 1, 2029.

(7) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, is repealed July 1, 2020.

(8) Title 19, Chapter 6, Part 4, Underground Storage Tank Act, is repealed July 1, 2028.

(9) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal, is repealed July 1, 2026.

(10) Title 19, Chapter 6, Part 7, Used Oil Management Act, is repealed July 1, 2029.

(11) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act, is repealed July 1, ~~[2020]~~ 2030.

(12) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act, is repealed July 1, 2027.