

**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
- ▶ 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

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*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 ~~[it]~~ 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 ~~[3/8]~~ 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 ~~[any]~~ waste tire

in or on [any] land or in [any] water in the state.

(10) "Dispose of" means to deposit, dump, or permanently place [any] waste tire in or on [any] land or in [any] 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 shreddings, 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 [which] 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 payment of the recycling fee including interest and penalties on delinquent payments.

(20) "Recycler" means a person who:

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

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

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

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

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

(b) "Storage" does not include:

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

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

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

(A) resold wholesale or retail; or

(B) recapped.

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

(b) "Store" does not include:

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

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

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

(26) "Tire retailer" means ~~any~~ a person engaged in the business of selling new tires either 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:

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;

or

(v) a person transporting processed or chipped tires.

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

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

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

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

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

(ii) pay a fee as determined by the board under Section [63J-1-504](#);

(iii) provide the name and business address of the operator;

(iv) provide proof of liability insurance or other form of financial responsibility in an amount determined by board rule, but not more than \$300,000, for any liability the waste tire transporter may incur in transporting waste tires; and

(v) meet requirements established by board rule.

(c) The holder of a registration under this section shall advise the director in writing of ~~[any changes]~~ a change in application information provided to the director within 20 days of the change.

(d) A waste tire transporter may only deliver tires to a recycler in accordance with this part or rules made under this part. If the director has reason to believe a waste tire transporter has disposed of tires other than as allowed under this part, the director shall conduct an investigation and, after complying with the procedural requirements of Title 63G, Chapter 4, Administrative Procedures Act, may revoke the registration.

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

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

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

(ii) pay a fee as determined by the board under Section [63J-1-504](#);

(iii) provide the name and business address of the operator of the recycling business;

(iv) provide proof of liability insurance or other form of financial responsibility in an amount determined by board rule, but not more than \$300,000, for any liability the waste tire recycler may incur in storing and recycling waste tires;

(v) engage in activities as described under the definition of recycler in Section 19-6-803; and

(vi) meet requirements established by board rule.

(c) The holder of a registration under this section shall advise the director in writing of ~~[any changes]~~ a change in application information provided to the director within 20 days of the change.

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

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