

TIRE RECYCLING AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. Sandall

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies reimbursement provisions of the Waste Tire Recycling Act.

Highlighted Provisions:

This bill:

▶ states the director of the Division of Waste Management and Radiation Control may authorize 100% reimbursement of a waste tire transporter's or recycler's cost if the county applying for reimbursement is a county of the third, fourth, fifth, or sixth class, or the municipality applying for reimbursement is in a county of the third, fourth, fifth, or sixth class; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-6-811, as last amended by Laws of Utah 2012, Chapter 360

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

Section 1. Section **19-6-811** is amended to read:



28 **19-6-811. Funding for management of certain landfill or abandoned waste tire**
29 **piles -- Limitations.**

30 (1) (a) A county or municipality may apply to the director for payment from the fund
31 for costs of a waste tire transporter or recycler to remove waste tires from an abandoned waste
32 tire pile or a landfill waste tire pile operated by a state or local governmental entity and deliver
33 the waste tires to a recycler.

34 (b) The director may authorize a maximum reimbursement of:

35 (i) subject to Subsection (1)(d), 100% of a waste tire transporter's or recycler's costs
36 allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or
37 landfill waste tire pile and deliver the waste tires to a recycler, if:

38 (A) no waste tires have been added to the abandoned waste tire pile or landfill waste
39 tire pile on or after July 1, 2001; [or]

40 (B) the county is a county of the third, fourth, fifth, or sixth class; or

41 (C) the municipality is located in a county of the third, fourth, fifth, or sixth class; or

42 (ii) subject to Subsection (1)(d), 60% of a waste tire transporter's or recycler's costs
43 allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or
44 landfill waste tire pile and deliver the waste tires to a recycler, if:

45 (A) waste tires have been added to the abandoned waste tire pile or landfill waste tire
46 pile on or after July 1, 2001[-];

47 (B) the county is a county of the first or second class; or

48 (C) the municipality is in a county of the first or second class.

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

53 (d) In order to be eligible for reimbursement under Subsections (1)(a) and (b), a county
54 or municipality shall receive a minimum of two eligible bids for transportation or recycling,
55 unless it is impossible to receive two eligible bids due to a transporter or recycler:

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

57 (ii) not being in compliance with state statute or rules made in accordance with Title
58 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

65 (c) The director shall, upon request, advise any person preparing a bid under this
66 section of the maximum number of miles available for reimbursement under this Subsection
67 (2).

68 (d) The cost under this Subsection (2) shall be calculated based on the cost to transport
69 one ton of waste tires one mile.

70 (3) (a) The county or municipality shall through a competitive bidding process make a
71 good faith attempt to obtain a bid for the removal of the landfill or abandoned waste tire pile
72 and transport to a recycler.

73 (b) The county or municipality shall submit to the director:

74 (i) (A) (I) a statement from the local health department stating the landfill waste tire
75 pile is operated by a state or local governmental entity and consists solely of waste tires
76 diverted from the landfill waste stream;

77 (II) a description of the size and location of the landfill waste tire pile; and

78 (III) landfill records showing the origin of the waste tires; or

79 (B) a statement from the local health department that the waste tire pile is abandoned;
80 and

81 (ii) (A) the bid selected by the county or municipality; or

82 (B) if no bids were received, a statement to that fact.

83 (4) (a) If a bid is submitted, the director shall determine if the bid is reasonable, taking
84 into consideration:

85 (i) the location and size of the landfill or abandoned waste tire pile;

86 (ii) the number and size of any other landfill or abandoned waste tire piles in the area;

87 and

88 (iii) the current market for waste tires of the type in the landfill or abandoned waste tire
89 pile.

90 (b) The director shall advise the county or municipality within 30 days of receipt of the
91 bid whether or not the bid is determined to be reasonable.

92 (5) (a) If the bid is found to be reasonable, the county or municipality may proceed to
93 have the landfill or abandoned waste tire pile removed pursuant to the bid.

94 (b) The county or municipality shall advise the director that the landfill or abandoned
95 waste tire pile has been removed.

96 (6) The recycler or waste tire transporter that removed the landfill or abandoned waste
97 tires pursuant to the bid shall submit to the director a copy of the manifest, which shall state:

98 (a) the number or tons of waste tires transported;

99 (b) the location from which they were removed;

100 (c) the recycler to which the waste tires were delivered; and

101 (d) the amount charged by the transporter or recycler.

102 (7) Upon receipt of the information required under Subsection (6), and determination
103 that the information is complete, the director shall, within 30 days after receipt authorize the
104 Division of Finance to reimburse the waste tire transporter or recycler the amount established
105 under this section.