

**TIRE RECYCLING AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott D. Sandall**

House Sponsor: Carl R. Albrecht

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

▶ ~~§~~ → [—states] addresses ← ~~§~~ the director of the Division of Waste Management and

Radiation Control ~~§~~ → [may

~~authorize 100%~~ authority to authorize ← ~~§~~ 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

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*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) ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~  
 38a waste

39 tire pile on or after July 1, 2001; ~~or~~ ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

40           (B) the county is a county of the third, fourth, fifth, or sixth class and the ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

41 ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~;  
 41a ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

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; ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

47           (B) the county is a county of the first or second class and the ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

48           ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~

48a **(iii) subject to Subsection (1)(d), 60% of waste tire transporter's or recycler's costs allowed**  
 48b **under Subsection (2) to remove waste tires from an abandoned waste tire pile or landfill waste**  
 48c **tire pile and deliver the waste tires to a recycler if the waste tires have been added to the**  
 48d **abandoned waste tire pile and landfill waste tire pile on or after July 1, 2001, and the**  
 48e **reimbursement is for:**

48f **(A) an interlocal cooperative agency;**

48g **(B) a special district; or**

48h **(C) a waste transfer station.** ~~the~~ ~~county~~ ~~is~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~class~~ ~~and~~ ~~the~~ ~~municipality~~ ~~is~~ ~~located~~ ~~in~~ ~~a~~ ~~county~~ ~~of~~ ~~the~~ ~~third,~~ ~~fourth,~~ ~~fifth,~~ ~~or~~ ~~sixth~~ ~~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.