

HEALTH REGULATION # 7
RECYCLING OF WASTE TIRES



Adopted by the Tooele County Board of Health

January 4, 2001

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: 
Director

TABLE OF CONTENTS

	Page
1.0 Definitions	1
2.0 Land filling of tires prohibited-Tires materials limitations	4
3.0 Recycling fee	4
4.0 Registration of waste tire transporters and recyclers	5
5.0 Payment of recycling fee	6
6.0 Partial reimbursement	6
7.0 Recycling tires form abandoned piles and other piles	7
8.0 Funding for management of certain landfill tire piles	8
9.0 Application for partial reimbursement--Penalty	8
10.0 Local health department responsibility	9
11.0 Payment by the State of Utah Division of Finance	9
12.0 Exception	10
13.0 Severability	10

**TOOELE COUNTY HEALTH DEPARTMENT
REGULATIONS FOR RECYCLING OF WASTE TIRES**

- 1.0 Definitions.** (Reference-Section 19-6-801, Utah Code Annotated, 1953 as amended). As used in these rules:
- 1.1 "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.
 - 1.2 "Board" means the Solid and Hazardous Waste Control Board created under Section 19-1-106, Utah Code Annotated, 1953 as amended.
 - 1.3 "Commission" means Utah State Tax Commission.
 - 1.4 "Consumer":
 - a. means a person who purchases a new tire to satisfy a direct need, rather than for resale; and
 - b. includes a person who purchases a new tire for a motor vehicle to be rented or leased.
 - 1.5 "Crumb rubber" means waste tires that have been ground, shredded, or otherwise reduced in size so the resulting material can pass through an ASTM standard 10 mesh screen.
 - 1.6 "Dispose" or "disposal" means to deposit, dump, or permanently place any waste tire on any land or in any water in Tooele County.
 - 1.7 "Division" means the Division of Solid and Hazardous Waste created in Section 19-1-105, Utah Code Annotated 1953 as amended, within the Department of Environmental Quality.
 - 1.8 "Landfill waste tire pile" means a waste tire pile located within the permitted boundary of a landfill operated by a governmental entity, or licenced private entity and consisting solely of waste tires brought to a landfill for disposal and diverted from the landfill waste stream to the waste tire pile.
 - 1.9 "Local health department" means the Tooele County Health Department.
 - 1.10 "Materials derived from waste tires" means tire sections, tire chips, tire shreddings, rubber, steel, fabric, or other similar materials derived from waste tires.

- 1.11 "Mobile facility" means a mobile facility capable of cutting waste tires on site so the waste tires may be effectively disposed by burial, such as in a landfill.
- 1.12 "Recycler" means a person who uses or can reasonably be expected within the next year to use a minimum of 100,000 waste tires per year to produce energy, crumb rubber, or an ultimate product, but does not include a person who stores, disposes of, or retreads tires.
- 1.13 "Recycling fee" means the fee provided for in Section 19-6-805, Utah Code Annotated, 1953 as amended.
- 1.14 "Store" or "storage" means the placing of waste tires in a manner that does not constitute disposal of the waste tires.
- 1.15 "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.
- 1.16 "Tire retailer" means any person engaged in the business of selling new tires either as replacement tires or as part of a new vehicle sale.
- 1.17 "Trust fund" means the Waste Tire Recycling Expendable Trust Fund provided for in Section 19-6-807, Utah Code Annotated, 1953 as amended.
- 1.18 "Waste tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
- 1.19 "Waste tire pile" means a pile of 1,000 or more waste tires at one location.
- 1.20 "Waste tire transporter":
- a. means a person engaged in picking up or transporting more than ten waste tires per year, or the equivalent amount of material derived from waste tires, generated in Utah for the purpose of storage, processing, or disposal;
 - b. includes any person engaged in the business of collecting, hauling, or transporting waste tires or who performs these functions for another person;
 - c. does not include a person transporting tires generated solely by:
 1. that person's personal vehicles;
 2. a commercial vehicle fleet owned or operated by that person or that person's employer;
 3. vehicles sold, leased, or purchased by a motor vehicle dealership owned or operated by that person or that person's employer; or
 4. a retail tire business and hauled by the business owner or an employee of the business;
 - d. does not include a person transporting tires by rail as a common carrier subject to federal regulation.

2.0 Landfilling of tires prohibited - Tire materials limitations.
(Reference-Section 19-6-804, Utah Code Annotated, 1953 as amended)

- 2.1 After January 1, 1994, an individual, including a waste tire transporter, may not dispose of more than four whole tires at one time in a landfill or any other location in the county authorized by the Division of Solid and Hazardous Waste to receive waste tires, except for purposes authorized by board rule. Tires are exempt from this subsection if the original tire:
- a. is from any device moved exclusively by human power; or
 - b. has a rim diameter greater than 24.5 inches.
- 2.2 An individual, including a waste tire transporter, may dispose of material derived from waste tires in a landfill or other location in the county authorized by the division only if the division determines in consultation with the local health department that a recycler accepting waste tires or the specified materials derived from waste tires is not reasonably available.
- 2.3 When possible, the operator of the landfill or other authorized location shall direct that the waste tires or material derived from waste tires be disposed in a designated area to facilitate retrieval if a market becomes available for the disposed waste tires or material derived from waste tires.
- 2.4
- 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 amount of materials equivalent to one tire disposed of in violation this section. A warning notice may be issued prior to taking further enforcement action under this subsection.
 - 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 board, 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 trust fund.

3.0 Recycling fee.
(Reference-Section 19-6-805, Utah Code Annotated, 1953 as amended)

- 3.1 Beginning July 1, 1990, a recycling fee is imposed upon each purchase from a tire retailer of a new tire by a consumer. The fee shall be paid by the consumer to the tire retailer at the time the new tire is purchased.
- 3.2 The recycling fee does not apply to recapped or resold used tires.
- 3.3 The fee is \$1.00 for each tire with a rim diameter up to and including 24.5 inches, single or dual bead capacity.

4.0 Registration of waste tire transporters and recyclers. (Reference- Section, 19-6-806 Utah Code Annotated, 1953)

4.1 The Division of Solid and Hazardous Waste shall register each applicant for registration to act as a waste tire transporter if the applicant meets the requirements of this section.

4.2 An applicant for registration as a waste tire transporter shall:

- a. submit an application in a form prescribed by the division;
- b. pay a fee as determined by the board under Subsection 63-38-3.2, Utah Code Annotated, 1953;
- c. provide the name and business address of the operator; and
- d. 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.

4.3 The holder of a registration under this section shall advise the division in writing of any changes in application information provided to the division within 20 days of the change.

4.4 If the board has reason to believe a waste tire transporter has disposed of tires other than as allowed under this chapter, the board shall conduct an investigation and, after complying with the procedural requirements of Title 63, Chapter 46b of the Utah Code, Administrative Procedures Act, may revoke the registration.

4.5 The division shall register each applicant for registration to act as a waste tire recycler if the applicant meets the requirements of this section.

4.6 An applicant for registration as a waste tire recycler shall:

- a. submit an application in a form prescribed by the Division of Solid and Hazardous Waste;
- b. pay a fee as determined by the board under Subsection 63-38-3.2, Utah Code Annotated, 1953;
- c. provide the name and business address of the operator of the recycling business; and
- d. 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.

4.7 The holder of a registration under this section shall advise the division in writing of any changes in application information provided to the division within 20 days of the change.

4.8 If the board has reason to believe a waste tire recycler has falsified any information provided in an application for partial reimbursement under this section, the board

shall, after complying with the procedural requirements of Title 63, Chapter 46b of the Utah Code, Administrative Procedures Act, revoke the registration.

5.0 Payment of recycling fee. (Reference-Section 19-6-808, Utah Code Annotated, 1953 as amended)

- 5.1 The recycling fee shall be paid by the tire retailer to the commission:
- a. on or before the last day of the month following the calendar quarter in which the sale occurs for quarterly filers; and
 - b. the last day of January following the end of the calendar year for annual filers.
- 5.2 The payment shall be accompanied by the form prescribed by the commission.
- 5.3
- a. The proceeds of the fee shall be transferred by the commission to the trust fund for payment of partial reimbursement.
 - b. The commission may retain an amount not to exceed 2 1/2% of the recycling fee collected under this chapter for the cost to it of rendering its services.
- 5.4
- a. The commission shall administer, collect, and enforce the fee pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales and use tax under Title 59, Chapter 12, and the provisions of Title 59, Chapter 1. The tire retailer may retain 2 1/2% of the recycling fee collected for the cost of collecting the fee.
 - b. The exemptions from the general state sales and use tax provided for in Section 59-12-104 Utah Code Annotated, 1953 as amended do not apply to these provisions.
- 5.5 The fee imposed by this rule is in addition to all other state, county, or municipal fees and taxes imposed on the sale of a new tire.

6.0 Partial reimbursement. (Reference-Section 19-6-809, Utah Code Annotated, 1953 as amended)

- 6.1 Any recycler within Tooele County who on or after the effective date of these rules uses waste tires or materials derived from waste tires that meet the requirements of Rule 6.6 which are used exclusively for energy recovery or creation of ultimate products may submit an application under Rule 9.1 to the Tooele County Health Department for partial reimbursement of the cost of transporting and processing waste tires.
- 6.2 A recycler who qualifies under Rule 6.1 for partial reimbursement may waive the reimbursement and request in writing that the reimbursement be paid to a person who processes the waste tires prior to the recycler's receipt of the waste tires or his receipt of materials derived from the waste tires for recycling.

6.3 Subject to the limitations in Section 19-6-816, Utah Code Annotated, 1953 as amended, a recycler is entitled to partial reimbursement for each ton of tires recycled in an amount established by Section 19-6-809, Utah Code Annotated, 1953 as amended.

6.4 In order for a recycler within Tooele County to be eligible for partial reimbursement, the recycler shall establish in cooperation with tire retailers or transproters, or with both, a reasonable schedule to remove waste tires in sufficient quantities to allow for economic transportation of waste tires located in any municipality within Tooele County as defined in Section 10-1-104, Utah Code Annotated, 1953 as amended.

6.5 A recycler complying with Section 6.4 may also receive partial reimbursement for recycling tires received from locations other than those associated with retail tire businesses, including waste tires from waste tire piles and abondoned waste tire piles, under Rule 7.0.

6.6 A recycler under Rule 6.1 shall also demonstrate the waste tires or materials derived from waste tires that qualify for the reimbursement:

- a. 1. were removed and transported by a registered tire transporter, a registered recycler, or a person under Rule 1.20 (c); or
2. were generated by a private person who is not a waste tire transporter and that person brings the waste tires to the recycler; and
- b. were generated in the state of Utah; and
- c. if the tires are from a waste tire pile or abandoned waste tire pile, the recycler complies with the applicable provisions of Rule 7.0.

7.0 Recycling tires from abandoned tire piles and other tire piles. (Reference-Section 19-6-810, Utah Code Annotated, 1953 as amended)

7.1 A registered recycler may be reimbursed for recycling tires from an abandoned tire pile if:

- a. prior to recycling any of the tires, he receives an affidavit from the local health department of the jurisdiction where the pile is located, stating the tire pile is abandoned and the local health department has not been able to locate the persons responsible for the tire pile or has not been able to cause the persons responsible to remove it;
- b. the waste tire transporter who transports the tires to the recycler is registered, has received form the local health department an affidavit stating it has authorized the transporter to remove the tires and deliver them to a recycler, and provides a copy of the affidavit to the recycler; and
- c. the recycler provides to the local health department, in a form it requires, proof of compliance with this subsection in addition to the information required under Rules 6.1 through and including 6.5.

- 7.2 A registered recycler may receive partial reimbursement for recycling waste tires from waste tire piles that are not abandoned if:
- a. prior to recycling any of the waste tires, he receives an affidavit from the local health department of the jurisdiction where the waste tire pile is located, stating the tire pile is not abandoned;
 - b. he obtains an affidavit from the owner of the waste tire pile or his authorized designee stating:
 1. the tires are from a pile to which no tires have been added after June 30, 1991; or
 2. if the tires are from a tire pile to which tires have been added after June 30, 1991, all the tires provided to the recycler were generated within the state;
 - c. the tires are transported to the recycler by a registered waste tire transporter, who provides a manifest to the recycler; and
 - d. the recycler provides to the local health department, in a form it requires, proof of compliance with this subsection in addition to the information required under Rules 6.1 through and including 6.5.

8.0 Funding for management of certain landfill tire piles. (Reference-Section 19-6-811, Utah Code Annotated, 1953 as amended.)

- 8.1 Waste tires may be disposed in a permitted landfill if:
- a. the waste tires are shredded; and
 - b. the waste tires are stored in a segregated cell or other landfill facility that ensures the disposed shredded waste tires are in a clean and accessible condition so they may be reasonably retrieved and recycled at a future time.
- 8.2
- a. The owner or operator of the landfill may apply for and receive \$65 per ton of tires placed in a landfill under the terms of Rule 8.1.
 - b. An application for payment under this subsection shall include complete records, including the site form which the tires are removed, the landfill where the tires are disposed and the amount of shredded tires disposed.
 - c. The application process for receiving payment under this section is the same as the process for recyclers applying for partial reimbursement.

9.0 Application for partial reimbursement--Penalty. (Reference-Section 19-6-813_Code Annotated, 1953 as amended)

- 9.1 An application for partial reimbursement shall be submitted to the Tooele County Health Department on a form prescribed by the Health Department and include:
- a. the recycler's name and a brief description of the recycler's business;
 - b. the quantity, in tons, of waste tires recycled;
 - c. originals or copies of log books, receipts, bills of lading or other similar documents to establish the tonnage of waste tires recycled;

- d. a description of how the waste tires were recycled;
- e. proof, satisfactory to the local health department, that the waste tires were recycled; and
- f. the affidavit of the recycler warranting that the recycled waste tires for which reimbursement is sought meet the requirements of Rule 6.6;

9.2 In addition to any other penalty imposed by law, any person who knowingly or intentionally provides false information to the local health department shall be ineligible to receive any reimbursement and shall return to the Division of Finance any reimbursement previously received for deposit in the trust fund.

10.0 Local health department responsibility. (Reference-Section 19-6-814, Utah Code Annotated, 1953 as amended.)

10.1 The Tooele County Health Department, after receiving an application for partial reimbursement from a recycler shall within 15 calendar days after receiving the application:

- a. review the application for completeness;
- b. conduct an on-site investigation of the recycler's waste tire use if the application is the initial application of the recycler; and
- c. submit the recycler's application for partial reimbursement together with a brief written report of the results of the investigation and the dollar amount approved for payment to the Division of Finance.

10.2 If the Tooele County Health Department approves a dollar amount for partial reimbursement which is less than the amount requested by the recycler, the Tooele County Health Department shall submit its written report of the investigation and recommendation to the recycler at least five days prior to submitting the report and recommendations to the Division of Finance.

11.0 Payment by the State of Utah Division of Finance. (Reference-Section 19-6-815, Utah Code Annotated, 1953 as amended)

11.1 The Division of Finance is authorized to pay the recycler partial reimbursements described in Section 19-6-809, Utah Code Annotated, 1953 as amended, from the trust fund.

11.2 The Division of Finance shall pay the dollar amount of partial reimbursement approved by the Tooele County Health Department, after receipt of the Tooele County Health Department report and recommendation.

11.3 The costs reimbursed may not exceed the monies in the trust fund.

11.4 If applications for partial reimbursement during any month exceed the monies in the

trust fund, the Division of Finance shall prorate the amount of all claims for partial reimbursement for the month and defer payment of the remainder.

11.5 The amount remaining unpaid on a claim for partial reimbursement or a claim under Rule 8.0 shall be treated as a new application in the next succeeding month until the unpaid amount is \$500 or less, at which time the balance of the claim shall be paid in full.

12.0 **Exception.** (Reference-Section 19-6-823, Utah Code Annotated, 1953 as amended)

12.1 The provisions in these rules do not apply to waste tires from any device moved exclusively by human power.

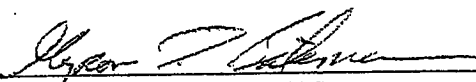
13.0 **Severability.**

13.1 If any provision, clause, sentence or paragraph of these rules shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these Rules. The valid part of any clause, sentence or paragraph of these Rules shall be given independence from the invalid provisions or applications and to this end the provision of these Rules are declared to be severable.

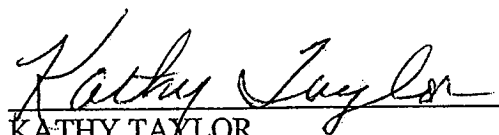
IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this 4 day of Jan, 2001.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH



MYRON E. BATEMAN,
Health Officer



KATHY TAYLOR,
Chairperson