



Regulation No. 1998-1

## **RECYCLING OF WASTE TIRES**

Adopted by the Bear River Board of Health  
May 26, 1998

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

## Rules for Recycling of Waste Tires

- 1.0 Definitions (Reference-Section 26-32a-103, Utah Code Annotated, 1953 as amended)
- 1.00 Abandoned waste tire pile; is 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.
- 1.01 Board: refers to the Solid and Hazardous Waste Control Board created under section 19-1-106, Utah Code Annotated, 1953 as amended.
- 1.02 Commission: Utah State Tax Commission
- 1.03 Consumer: a person who purchases a new tire to satisfy a direct need, rather than for resale. "Consumer" includes a person who purchases a new tire for a motor vehicle to be rented or leased.
- 1.04 Crumb Rubber: means waste tires that have been ground, shredded, or otherwise reduced in size so the resulting material can pas through an ASTM standard 10 mesh screen.
- 1.05 Dispose or disposal: means to deposit, dump or permanently place any waste tire on any land or in any water in Box Elder, Cache, or Rich Counties.
- 1.06 Division: refers to the Division of Solid and Hazardous Waste created in Section 19-1-105, within the Department of Environmental Quality.
- 1.07 Executive secretary: means the executive secretary of the Utah solid and Hazardous Waste Control Board created in Section 19-1-106.
- 1.08 Landfill waste tire pile: Means a waste tire pile located within the permitted boundary of a landfill operated by a governmental 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.
- 1.09 Local Health Department: refers to the Bear River Health Department.
- 1.10 Materials derived from waste tires: refers to tire sections, tire chips, tire shreds, 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 of by burial, such as in a landfill.
- 1.12 New Motor Vehicle: a motor vehicle which has never been titled or registered.

- 1.13 Proceeds of the fee: the money collected by the commission from payment of the recycling fee including interest and penalties on delinquent payments.
- 1.14 Recycler: 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.
- 1.15 Recycling Fee: the fee provided for in Section 26-32a-104, Utah Code Annotated, 1953 as amended.
- 1.16 Store or Storage: the placing of Waste tires in a manner that does not constitute disposal of the waste tire.
- 1.17 Tire: 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.
- 1.18 Tire chip or Tire Shredding: a tire or waste tire that has been reduced in volume through mechanical or other Department approved means to achieve a minimum 65 percent volume reduction. No portion of a tire that has been reduced to a tire chip or shredded tire shall exceed 64 square inches.
- 1.19 Tire Retailer: any person engaged in the business of selling new tires either replacement tires or as part of a new vehicle sale.
- 1.20 Trust Fund: the Waste Tire Recycling Expandable Trust Fund provided for in Section 26-32a-105, Utah Code Annotated, 1953 as amended.
- 1.21 Used tire: a tire that has been salvaged, and resold, or intended to be resold, as a useable tire, or a retread casing.
- 1.22 Waste Tire: a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
- 1.23 Waste Tire Pile: a pile of 1,000 or more waste tires at one location.
- 1.24 Waste Tire Transporter:
- a. 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. Includes any person engaged in the business of salvaging used tires.
  - d. Does not include a person transporting tires generated solely by:
    - i. That person's personal vehicles;
    - ii. A commercial fleet owned or operated by that person or that person's employer;

- iii. Vehicles sold, leased, or purchased by a motor vehicle dealership owned or operated by that person or that person's employer ; or
    - iv. A retail tire business and hauled by the business owner or an employee of the business;
  - e. Does not include a person transporting tires by rail as a common carrier subject to federal regulation.
- 2.0 Recycling Fee (Reference Section 26-32a-104, Utah Code Annotated, 1953 as amended,)
  - 2.1 Beginning July 1, 1990, a recycling fee was 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.
  - 2.2 The recycling fee does not apply to recapped or resold tires.
  - 2.3 The fee of .50 cents for each tire with a rim diameter up to and including 24.5 inches , single or dual bead capacity
- 3.0 Payment of Recycling Fee (Reference-Section 26-32a-106, Utah Code Annotated, 1953 as amended)
  - 3.1 The recycling fee shall be paid by the tire retailer to the commission.
- 4.0 Partial reimbursement. (Reference- Section 26-32a-107, Utah Code Annotated, 1953 as amended)
  - 4.1 Any recycler within Box Elder, Cache, or Rich Counties, who on or after the effective date of these rules uses waste tires or materials derived from waste tires that meet the requirements of Section 4.6 which are used exclusively for energy recovery, or creation of ultimate products may submit an application under Section 5.3 to the Bear River Health Department for partial reimbursement of the cost of transporting and processing waste tires.
  - 4.2 A recycler who qualifies under Section 4.1 for partial reimbursement may waive the reimbursement and request in writing 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.
  - 4.3 Subject to the limitations in Section 26-32a-111, 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 26-32a-107(2), Utah Code Annotated, 1953 as amended.
  - 4.4 In order for a recycler within Bear River District to be eligible for partial reimbursement, the recycler shall establish in cooperation with the tire retailers or transporters, 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 the Bear River District.

- 4.5 A recycler complying with Section 4.4 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 abandoned waste tire piles, under section 4.7
- 4.6 A recycler under Section 4.1 shall also demonstrate the waste tires materials derived from waste tires that qualify for the reimbursement:
- A.
    - i were removed and transported by a registered tire transporter, a registered recycler, or a person under Section 1.18; or
    - ii were generated by a private person who is not a waste tire transporter and the 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 Section 4.7.
- 4.7 Recycling tires from abandoned piles and other piles.
- A. A registered recycler may be reimbursed for recycling tires from an abandoned tire pile if;
    - i 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 for the tire pile to remove it;
    - ii The waste tire transporter who transports the tires to the recycler is registered, has received from 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
    - iii The recycler provides the local health department, in a form it requires, a proof of compliance with this subsection in addition to the information required under Sections 4.1 through and including 4.5.
    - iv The Bear River Health Department shall track all waste tires removed from abandoned waste tire piles within its jurisdiction, to determine the amount of waste tires removed and the recycler to which they are transported, and report this information quarterly to the division.
  - B. A registered recycler may receive partial reimbursement for

- recycling waste tires from waste tire that are not abandoned if;
- i 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;
  - ii he obtains an affidavit from the owner of the waste tire pile or his authorized designee stating:
    - a. The tires are from a pile to which no tires have been added after June 30, 1991; or
    - b. If the tires are from a pile to which tires have been added after June 30, 1991, all the tires provided to the recycler were generated within the state.
  - iii the tires are transported to the recycler by a registered waste tire transporter, who provides a manifest to the recycler; and
  - iv the recycler provides the local health department, in a form it requires, proof of compliance with this subsection in addition to the information required under Section 4.1 through and including 4.5.

- C.
  - i Owners of tire piles created on and after April 23, 1990, shall pay into the trust fund a fee of 15 cents per tire for each tire removed from the tire pile that qualifies for partial reimbursement
  - ii partial reimbursement under these rules may not be paid for tires removed from piles until proof is submitted with the application for reimbursement, demonstrating the fee under Subsection (i) has been paid.

4.8 In addition to all other requirements contained with these rules, waste tire recycling uses must meet at least one of the following criteria to be eligible for partial reimbursement.

Note: Retreading is specifically excluded;

- A. Energy recovery
- B. Pyrolization
- C. Separated, shredded or torn apart for use as a component of a new ultimate product that is environmentally compatible, (Reference-Section 26-32a-112, Utah Code Annotated, 1953 as amended)

5.0 Application for partial reimbursement– Penalty. (Reference-Section 62-32a-108, Utah Code Annotated, 1953 as amended)

5.1 Prior to requesting partial reimbursement under Section 4.1, the recycler shall received advance certification for reimbursement by submitting an application therefore on a form prepared by the Bear River Health Department.

5.2 Prior to requesting partial reimbursement under Section 4.1 and on a yearly

basis thereafter a recycler shall be licensed by the Bear River Health Department as a waste tire processing and/or storage facility, Application for this license shall be made on a form established by the Bear River Health Department and by paying such fees as are established by the Bear River Health Department.

5.3 An application for partial reimbursement shall be submitted to the Health Department on a form prescribed by the Bear River 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 tires were recycled.
- F. The affidavit of the recycler warranting that the recycled waste tires for which reimbursement is sought meet the requirements of Section 4.6.

5.4 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.

6.0 Local health department responsibility (Reference-Section 26-32a-109, Utah Code Annotated, 1953 as amended)

6.1 The Bear River Health Department, after receiving an application for partial reimbursement from a recycler shall within 15 calendar days after receiving the application:

- i Review the application for completeness
- ii Conduct an on-site investigation of the recycler's waste tire use if the application is the initial application of the recycler.
- iii 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.

6.2 If the Bear River Health Department approves a dollar amount for the partial reimbursement which is less than the amount requested by the recycler, the Bear River Health Department shall submit a 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.

- 7.0 Payment by the State of Utah division of Finance (Reference-Section 26-32a-110 Utah Code Annotated, 1953 as Amended)
- 7.1 The Division of Finance is authorized to pay the recycler partial reimbursements described in Section 26-32a0197, Utah Code Annotated, 1953 as amended, from the trust fund.
- 7.2 The Division of Finance shall pay the dollar amount of partial reimbursement approved by the Bear River Health Department, after receipt of the Bear River Health Department report and recommendation.
- 7.3 The costs reimbursements may not exceed the monies in the trust fund.
- 7.4 If applications for partial reimbursement during any month exceed the monies in the trust fund, the division of Finance shall then prorate the amount for partial reimbursement for the month and defer payment of the remainder.
- 7.5 The amount remaining unpaid on a claim for partial reimbursement shall be treated as anew application in the next succeeding month until the unpaid amount in \$500 or less, at which time the new balance of the claim shall be paid in full.
- 8.0 Exception (Reference-Section 26-32-13, Utah Code Annotated, 1953 as amended)
- 8.1 The provisions in these rules do not apply to waste tires from any device moved exclusively by human power.
- 9.0 Waste Tire Transporters
- 9.1 Shall meet requirements of Section 26-32a-104.5, Utah code Annotated, 1953 as amended.
- 9.2 A Waste Tire Transporter permit must be acquired from the Bear River Health Department to haul waste tires or materials derived from waste tires. There shall be, in an amount established by the Board of Health of the Bear River Health Department, an annual fee per truck charged those who apply for said permits, payment of which must be made when the application for a permit is filed with the Bear River Health Department.
- 9.3 All waste tire transporters must report on a quarterly basis, in the form required by the Bear River Health Department, the quantities of tires or materials derived form waste tires, transported form any location, or transported to any location, within the Bear River District.
- 10.0 Land filling of tires prohibited - Tire materials limitations
- 10.1 A waste tire transporter may not dispose of whole tires in a landfill or any other location in Box Elder, Cache , or Rich counties.



10.2 A waste tire transporter may dispose of materials from waste tires in a landfill or other location in Box Elder, Cache, or Rich counties 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.

10.3 i Any 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 a violation of this section. A warning notice may be issued prior to taking further enforcement action under this subsection.

ii 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.

iii Penalties collected under this section shall be deposited in the trust fund.

#### 11.0 Waste Tire, Used Tire, Storage Facilities - requirements

11.1 All waste tire processing and/or storage facilities including mobile facilities, and all used tire salvage facilities, operating within the Bear River Health District, shall be licenced by the Bear River Health Department as a waste tire processing and/or storage facility, or a used tire salvage facility. Application for this license shall be made before operation and on a yearly basis thereafter, and by paying such fees as are established by the Bear River Health Department.

11.2 No construction or operation of a waste tire, or used tire storage facility shall be initiated prior to the approval of the Bear River Health District Department, and no significant modification, change or alteration shall be made in the construction or operation of the facility without the approval of said department.

11.3 Upon completion of construction and prior to initial operation, the local health department shall be notified so an inspections may be made of the facility to determine conformance with the approved plan and with applicable provisions of these regulations.

11.4 Waste tire, and used tire storage facilities, shall:

A. Store tires in a way that affords fire protection by limiting the storage area to 5,000 square feet (465 square meters) of continuous tires with an elevation not exceeding 20 feet (6.1 meters) at the highest peak

B. Provide a clear space at least 50 feet (15.2 meters) wide between

each storage area or waste tire pile. Such space shall not be obstructed by buildings or debris and shall not contain weeds, trees, or other flammable materials;

- C. Separate each storage area by tire type and separate recyclable tires from non-recyclable tires to simplify future sorting;
- D. Provide sufficient soil and other Division approved materials, in adequate amounts for fire extinguishing purposes and the availability of equipment to accomplish the purpose;
- E. Provide acceptable vector control measures including but not limited to impermeable plastic sheets or other approved barriers that give protections from an accumulation of precipitation, chemical treatment approved by the division to eliminate vector breeding, or shredding of the tires to pieces no larger than that defined as a tire chip or shredded tire by these rules, and piled or stored in a way that allows complete drainage;
- F. Maintain approach roads and spacing between waste tire piles so that fire fighting and emergency response equipment can easily enter the site;
- G. Provide to the local health department for approval an adequate plan outlining emergency response procedures including but not limited to fire control and insect eradication.

11.5 A used tire storage facility can store a maximum of 500 used or waste tires as part of their operating procedures. This inventory can contain no more than 250 tires that have a rim diameter greater than 24.5 inches.

11.6 A waste tire storage facility's maximum storage amount is based on their daily processing amount. A facility cannot store on site, more than seven times the amount of tires, their equipment is capable of processing, in an eight hour period.

11.7 Authorization to receive waste tires and begin a storage facility will not be given until an operational process is in place and operating.

## 12.0 Bond

12.1 A cash bond, escrow, or line of credit, retrievable within the State of Utah, in favor of the Bear River Health Department and acceptable to and in an amount set by said health department, pursuant to guidelines established by said health department, shall be posted by an applicant to guarantee full compliance with these rules or other applicable state and local statutes, ordinances (including zoning ordinances), rules, regulations, or permits, for the cost of fire suppression of tires at a recycling site, and to guarantee that all tires, waste tires, materials derived from waste tires, and waste products of recycling are removed from any waste tire recycling site.

12.2 The bond shall be accompanied by an agreement between the Bear River Health Department and the applicant, wherein the health department agrees to return the bond to the applicant at the satisfactory conclusion of the

applicant's participation in the recycling of waste tire business as outlined by these rules. The bond shall be forfeited by the applicant in the event of the applicant's non-compliance with these, or State or local statutes, rules, ordinances (including zoning ordinances), regulations or permits or in the event costs are incurred for fire suppression of tires that are burning at a recycling site or for applicant's failure to remove all tires, waste tires, materials derived from waste tires, and waste and products of recycling from any waste tire recycling site.

13.0 Severability

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 application 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 provision of these Rules are declared to be severable.

14.0 Effective Date

These rules shall become effective 15 days after this enactment by the Bear River District Board of Health.

Bear River District Board of Health

\_\_\_\_\_  
Director

By: \_\_\_\_\_ Chairman

\_\_\_\_\_  
Date  
Director



## BEAR RIVER HEALTH DEPARTMENT

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### PROPOSED WASTE TIRE PERMIT FEES

Waste Tire Storage Facility	\$50 per storage pile
Waste Tire Processing Facility	Based on maximum daily capacity
0-15 Tons per day	\$100
16-200 Tons per day	\$200
201-700 Tons per day	\$300
Greater than 700 Tons per day	\$500

Waste Tire Transporter	Greater of	\$50 per applicant or \$10 per collection vehicle
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#### Processor Assurance

Processor Assurance will be in the form of a cash bond, escrow, or line of credit in the name of the Department. Assurance will be at least \$150 per on for the maximum number of tires stored. Maximum Storage will be determined based on the eight (8) hour processing capacity of the facility times seven(7).

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