UTAH CODE

(UNANNOTATED)

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF SOLID AND HAZARDOUS WASTE

ENVIRONMENTAL QUALITY CODE - HAZARDOUS SUBSTANCES

PART 8

WASTE TIRE RECYCLING ACT

(Title 19, Chapter 6, Sections 801-824)

(Last Revised 2012)

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Title 19 Chapter 6
ENVIRONMENTAL QUALITY CODE - HAZARDOUS SUBSTANCES

PART 8
WASTE TIRE RECYCLING ACT

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19-6-801 Title.

This part is known as the "Waste Tire Recycling Act."

19-6-802. Legislative findings.

(1) The Legislature finds that the disposal of waste tires is a matter of statewide concern and that recycling of waste tires should be promoted in light of the health and environmental benefits.

(2) The Legislature further finds that the recycling of waste tires will decrease the number of tires which are disposed of in landfills and will reduce the health and safety hazards posed by existing stockpiles of waste tires.

(3) It is the intent of the Legislature in adopting this part to encourage the development of the recycling industry and the development of markets for recycled products.

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.

(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 Solid and Hazardous Waste 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 inch in diameter and are 98% wire free by weight.

(8) "Director" means the director of the Division of Solid and Hazardous Waste.

(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 Solid and Hazardous Waste, created in Subsection 19-1-105 (1)(e).

(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 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 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 pyrolized materials derived from:
(i) waste tires; or
(ii) chipped tires.
(c) "Ultimate product" does not include a product regarding which a waste tire remains after the product is disposed of or disassembled.
(28) "Waste tire" means:
(a) a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect; or
(b) a tire that a tire retailer removes from a vehicle for replacement with a new or used tire.
(29) "Waste tire pile" means a pile of 1,000 or more waste tires at one location.
(30) (a) "Waste tire transporter" means a person or entity engaged in picking up or transporting at one time more than 10 whole waste tires, or the equivalent amount of material derived from waste tires, generated in Utah for the purpose of storage, processing, or disposal.
(b) "Waste tire transporter" includes any person engaged in the business of collecting, hauling, or transporting waste tires or who performs these functions for another person, except as provided in Subsection (30)(c).
(c) "Waste tire transporter" does not include:
(i) a person transporting waste tires generated solely by:
(A) that person's personal vehicles;
(B) a commercial vehicle fleet owned or operated by that person or that person's employer;
(C) vehicles sold, leased, or purchased by a motor vehicle dealership owned or operated by that person or that person's employer; or
(D) a retail tire business owned or operated by that person or that person's employer;
(ii) a solid waste collector operating under a license issued by a unit of local government as defined in Section **63M-5-103**, or a local health department;
(iii) a recycler of waste tires;
(iv) a person transporting tires by rail as a common carrier subject to federal regulation; or
(v) a person transporting processed or chipped tires.

19-6-804. Restrictions on disposal of tires -- Penalties.

(1) (a) 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 state authorized by the director to receive waste tires, except for purposes authorized by board rule.
(b) Tires are exempt from this Subsection (1) if the original tire has a rim diameter greater than 24.5 inches.
(c) No person, including a waste tire transporter, may dispose of waste tires or store waste tires in any manner not allowed under this part or rules made under this part.
(2) The operator of the landfill or other authorized location shall direct that the 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.
(3) An individual, including a waste tire transporter, may dispose of shredded waste tires in a landfill in accordance with Section 19-6-812, and may also, without reimbursement, dispose in a landfill materials derived from waste tires that do not qualify for reimbursement under Section 19-6-812, but the landfill shall dispose of the material in accordance with Section 19-6-812.
(4) A tire retailer may only transfer ownership of a waste tire described in Subsection 19-6-803 (28)(b) to:
(a) a person who purchases it for the person's own use and not for resale; or
(b) a waste tire transporter that:
(i) is registered in accordance with Section 19-6-806; and
(ii) agrees to transport the tire to:
(A) a tire retailer that sells the tire wholesale or retail; or
(B) a recycler.
(5) (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 passenger tire equivalent disposed of in violation of this section. A warning notice may be issued prior to taking further enforcement action under this Subsection (5).
(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 director, 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 fund.

19-6-805. Recycling fee.

(1) (a) 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.

(b) The recycling fee does not apply to recapped or resold used tires.

(2) The fee for each tire with a rim diameter up to and including 24.5 inches, single or dual bead capacity is $1.

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

(1) (a) The director shall register each 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 in application information provided to the director within 20 days of the change.
(d) 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 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 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 shall be imposed by any 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.

19-6-807. Special revenue fund -- Creation -- Deposits.
(1) There is created a restricted special revenue fund entitled the "Waste Tire Recycling Fund."
(2) The fund shall consist of:
(a) the proceeds of the fee imposed under Section 19-6-805; and
(b) penalties collected under this part.
(3) Money in the fund shall be used for:
(a) partial reimbursement of the costs of transporting, processing, recycling, or disposing of waste tires as provided in this part; and
(b) payment of administrative costs of local health departments as provided in Section 19-6-817.
(4) The Legislature may appropriate money from the fund to pay for costs of the Department of Environmental Quality in administering and enforcing this part.

19-6-808. Payment of recycling fee – Administrative charge.
(1) A tire retailer shall pay the recycling fee to the commission:
(a) monthly on or before the last day of the month immediately following the last day of the previous month if:
(i) the tire retailer is required to file a sales and use tax return with the commission monthly under Section 59-12-108; or
(ii) the tire retailer is not required to file a sales and use tax return under Title 59, Chapter 12, Sales and Use Tax Act; or
(b) quarterly on or before the last day of the month immediately following the last day of the previous quarter if the tire retailer is required to file a sales and use tax return with the commission quarterly under Section 59-12-108.
(2) The payment shall be accompanied by a form prescribed by the commission.
(3) (a) The proceeds of the fee shall be transferred by the commission to the fund for payment of partial reimbursement.
(b) The commission shall retain and deposit an administrative charge in accordance with Section 59-1-306 from the revenues the commission collects from a fee under Section 19-6-805.
(4) (a) The commission shall administer, collect, and enforce the fee authorized under this part in accordance with the same procedures used in the administration, collection, and enforcement of the state sales and use tax under Title 59, Chapter 12, Sales and Use Tax Act, and Title 59, Chapter 1, General Taxation Policies.
(b) A tire retailer may retain 2-1/2% of the recycling fee collected under this part for the cost of collecting the fee.
(c) The exemptions provided in Section 59-12-104 do not apply to this part.
(5) The fee imposed by this part is in addition to all other state, county, or municipal fees and taxes imposed on the sale of new tires.

19-6-809. Partial reimbursement.
(1) (a) A recycler may submit an application under Section 19-6-813 to the local health department having jurisdiction over the applicant's business address for partial reimbursement for the cost of transporting and processing a waste tire or a material derived from a waste tire that:
(i) meets the requirements of Subsections (3) and (4); and
(ii) is used within the state for:
(A) energy recovery or production;
(B) the creation of an ultimate product;
(C) the production of crumb rubber, if a contract exists for the sale of the crumb rubber for use, either within or

outside the state, as a component in an ultimate product;
(D) the production of a chipped tire, if:
(I) the chipped tire is beneficially used, either within or outside the state; and
(II) a contract exists for the sale of the chipped tire; or
(E) a use defined in rule as recycling.
(b) A recycler is not eligible to receive partial reimbursement for transportation or processing costs related to the creation of an ultimate product if:
(i) the recycler used crumb rubber as a component of the ultimate product; and
(ii) the recycler, or another recycler, previously received under this section partial reimbursement for transportation or processing costs related to the production of the crumb rubber.
(c) A recycler who qualifies under this section for partial reimbursement may waive the reimbursement and request in writing that the reimbursement be paid to a person who:
(i) delivers a waste tire or material derived from a waste tire to the recycler; or
(ii) processes the waste tire before the recycler receives the waste tire or a material derived from the waste tire for recycling.
(d) A recycler is not eligible to receive partial reimbursement for transportation or processing costs for baling:
(i) whole waste tires; or
(ii) materials derived from waste tires that are larger than shredded waste tires.
(2) Subject to the limitations in Section 19-6-816, a recycler is entitled to:
(a) $65 as partial reimbursement for each ton of waste tires or material derived from waste tires converted to crumb rubber, if a contract exists for the sale of the crumb rubber for use as a component in an ultimate product;
(b) $50 as partial reimbursement for each ton of waste tires or material derived from waste tires recycled, other than as crumb rubber; and
(c) $20 as partial reimbursement for each ton of chipped tires used for a beneficial use.
(3) (a) A recycler is eligible for a partial reimbursement if the recycler establishes, in cooperation with a tire retailer or transporter, or both, a reasonable schedule to remove waste tires in sufficient quantities to allow for economic transportation of waste tires located in a municipality, as defined in Section 10-1-104, within the state.
(b) A recycler who is eligible for partial reimbursement under Subsection (3)(a) may also receive partial reimbursement for recycling a tire received from a location within the state other than those associated with a retail tire business, including a waste tire from a waste tire pile or an abandoned waste tire pile, as provided by Section 19-6-810.
(4) A recycler who applies for partial reimbursement under Subsection (1) shall demonstrate to the local health department identified in Subsection (1)(a) that:
(a) the waste tire or material derived from a waste tire that qualifies for the reimbursement was:
(i) (A) removed and transported by a registered waste tire transporter, a recycler, or a tire retailer; or
(B) generated by a private person who:
(I) is not a waste tire transporter as defined in Section **19-6-803**; and
(II) brings the waste tire to the recycler; and
(ii) generated in the state; and
(b) if the tire is from a waste tire pile or abandoned waste tire pile, the recycler complied with the requirements of Section. 19-6-810.

19-6-810. Recycling waste tires from abandoned waste tire piles and other waste tire piles.

(1) A recycler may be reimbursed for recycling or beneficial use of waste tires from an abandoned waste tire pile within the state if:

(a) prior to recycling or the beneficial use of any of the waste tires, the recycler receives an affidavit from the local health department of the jurisdiction where the waste tire pile is located, stating:

(i) the waste tire pile is abandoned; and

(ii) the local health department has not been able to:

(A) locate the persons responsible for the waste tire pile; or

(B) cause the persons responsible for the waste tire pile to remove it;

(b) the waste tire transporter who transports the waste tires to the recycler:

(i) is registered;

(ii) has received from the local health department an affidavit stating it has authorized the transporter to remove the waste tires and deliver them to a recycler; and

(iii) provides a copy of the affidavit to the recycler; and

(c) the recycler provides to the local health department:

(i) proof of compliance with this Subsection (1) in the required form; and

(ii) the information required under Section 19-6-809.

(2) A recycler may receive partial reimbursement for recycling or the beneficial use of waste tires from waste tire piles within the state that are not abandoned if:

(a) prior to recycling or the beneficial use of any of the waste tires, the recycler receives an affidavit from the local health department of the jurisdiction where the waste tire pile is located, stating the waste tire pile is not abandoned;

(b) the recycler obtains an affidavit from the owner of the waste tire pile or the owner's authorized designee stating:

(i) the waste tires are from a pile to which no tires have been added after June 30, 1991; or

(ii) if the waste tires are from a waste tire pile to which waste tires have been added after June 30, 1991, all the waste tires provided to the recycler were generated within the state;

(c) the waste 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:

(i) proof of compliance with this Subsection (2) in the required form; and

(ii) the information required under Section 19-6-809.

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

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

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

(i) 100% of a waste tire transporter's or recycler's costs allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or landfill waste tire pile and deliver the waste tires to a recycler, if no waste tires have been added to the abandoned waste tire pile or landfill waste tire pile on or after July 1, 2001; or

(ii) 60% of a waste tire transporter's or recycler's costs allowed under Subsection (2) to remove waste tires from an abandoned waste tire pile or landfill waste tire pile and deliver the waste tires to a recycler, if waste tires have been added to the abandoned waste tire pile or landfill waste tire pile on or after July 1, 2001.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) the location from which they were removed;

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

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

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

19-6-812. Landfilling shredded tires -- Reimbursement.

(1) A waste tire may be disposed of in a landfill if:

(a) the land fill is operated in compliance with the requirements of Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act;

(b) the waste tire is shredded; and

(c) the waste tire is stored in a segregated cell or other landfill facility that ensures that the disposed shredded waste tire is in a clean and accessible condition so that the waste tire may be reasonably retrieved and recycled at a future time.

(2) The owner or operator of a landfill may apply to the local health department having jurisdiction over the applicant's business address for reimbursement of $20 per ton of waste tires placed in the landfill if:

(a) the waste tires are disposed in compliance with Subsection (1);

(b) the waste tires are generated from within the state; and

(c) the application includes:

(i) the site from which the waste tires are removed;

(ii) the landfill where the waste tires are disposed; and

(iii) the amount of shredded tires disposed.

(3) An application for reimbursement under this section is substantially the same as the application process required of recyclers applying for partial reimbursement under Section 19-6-813.

(4) A waste tire, for which reimbursement is paid under this section, is not eligible for additional reimbursement under this part.

19-6-813. Application for partial reimbursement -- Penalty.

(1) An application for partial reimbursement shall be in the format prescribed by the local health department and shall include:

(a) the recycler's name and a brief description of the recycler's business;

(b) the quantity, in tons, of waste tires recycled or used in a beneficial use;

(c) originals or copies of log books, receipts, bills of lading, or other similar documents to establish the tonnage of waste tires recycled or used in a beneficial use;

(d) a description of how the waste tires were recycled;

(e) proof that is satisfactory to the local health department that the waste tires were recycled or used in a beneficial use; and

(f) the affidavit of the recycler warranting that the recycled waste tires or waste tires used for a beneficial use for which reimbursement is sought meet the requirements of Subsection 19-6-809(4).

(2) In addition to any other penalty imposed under Section 19-6-821 or 19-6-822 or by any other law, any person who knowingly or intentionally provides false information to the local health department under Subsection (1):

(a) is ineligible to receive any further reimbursement under this part; and

(b) shall return to the Division of Finance any reimbursement previously received for deposit in the fund.

19-6-814. Local health department responsibility.

(1) A local health department that has received 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.

(2) If the local health department approves a dollar amount for partial reimbursement which is less than the amount requested by the recycler, the local 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 recommendation to the Division of Finance.

19-6-815. Payment by Division of Finance.

(1) The Division of Finance is authorized to pay the recycler partial reimbursements described in Section 19-6-809 from the fund.

(2) The Division of Finance shall pay the dollar amount of partial reimbursement approved by the local health department to the recycler within the next payment period established by rule of the Division of Finance, after receipt of the local health department's report and recommendation.

19-6-816. Limitations on reimbursement.

(1) The costs reimbursed under this part may not exceed the monies in the fund.

(2) If applications for reimbursement under Section 19-6-809, 19-6-811, or 19-6-812 during any month exceed the monies in the fund, the Division of Finance shall prorate the amount of all claims for reimbursement for the month and defer payment of the remainder.

(3) The amount remaining unpaid on a claim for reimbursement shall be treated as a new application for reimbursement 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.

19-6-817. Administrative fees to local health departments -- Reporting by local health departments.

(1) (a) The Division of Finance shall pay quarterly to the local health departments from the fund $5 per ton of tires for which a partial reimbursement is made under this part.

(b) The payment under Subsection (1)(a) shall be allocated among the local health departments in accordance with recommendations of the Utah Association of Local Health Officers.

(c) The recommendation shall be based on the efforts expended and the costs incurred by the local health departments in enforcing this part and rules made under this part.

(2) (a) Each local 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.

(b) The local health department shall report this information quarterly to the director.

19-6-818. Local health department rules.

(1) In accordance with Section 26A-1-121, the local health department shall make regulations to:

(a) develop an application form; and

(b) establish the procedure to apply for reimbursement.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules to implement this part.

(3) The local health departments shall take into consideration the removal schedule of tire transporters or recyclers in a geographical area when making regulations governing the storage of waste tires at any business that generates waste tires, pending removal of those waste tires for recycling.

19-6-819. Powers and duties of the board.
(1) The board shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as necessary to administer this part. For these purposes the board shall establish by rule:
(a) conditions and procedures for acting to issue or revoke a registration as a waste tire recycler or transporter under Section 19-6-806;
(b) the amount of liability insurance or other financial responsibility the applicant is required to have to qualify for registration under Section 19-6-806, which amount may not be more than $300,000 for any liability the waste tire transporter or recycler may incur in recycling or transporting waste tires;
(c) the form and amount of financial assurance required for a site or facility used to store waste tires, which amount shall be sufficient to ensure the cleanup or removal of waste tires from that site or facility;
(d) standards and required documentation for tracking and record keeping of waste tires subject to regulation under this part, including:
(i) manifests for handling and transferring waste tires;
(ii) records documenting date, quantities, and size or type of waste tires transported, processed, transferred, or sold;
(iii) records documenting persons between whom transactions under this Subsection (1)(d) occurred and the amounts of waste tires involved in those transactions; and
(iv) requiring that documentation under this Subsection (1)(d) be submitted on a quarterly basis, and that this documentation be made available for public inspection;
(e) authorize inspections and audits of waste tire recycling, transportation, or storage facilities and operations subject to this part;
(f) standards for payments authorized under Sections 19-6-809, 19-6-810, 19-6-811 and 19-6-812;
(g) regarding applications to the director for reimbursements under Section 19-6-811, the content of the reimbursement application form and the procedure to apply for reimbursement;
(h) requirements for the storage of waste tires, including permits for storage;
(i) the types of energy recovery or other appropriate environmentally compatible uses eligible for reimbursement, which:
(i) shall include pyrolization, but not retreading; and
(ii) shall apply to all waste tire recycling and beneficial use reimbursements within the state;
(j) the applications of waste tires that are not eligible for reimbursement;
(k) the applications of waste tires that are considered to be the storage or disposal of waste tires; and
(l) provisions governing the storage or disposal of waste tires, including the process for issuing permits for waste tire storage sites.
(2) The board may:
(a) require retention and submission of the records required under this part;
(b) require audits of the records and record keeping procedures required under this part and rules made under this part, except that audits of records regarding the fee imposed and collected by the commission under Sections 19-6-805 and 19-6-808 are the responsibility of the commission; and
(c) as necessary, make rules requiring additional information as the board determines necessary to effectively administer Section 19-6-812, which rules may not place an undue burden on the operation of landfills.

19-6-820. Powers and duties of the executive secretary.
(1) The director shall:
(a) administer and enforce the rules and orders of the board;
(b) issue and revoke registrations for waste tire recyclers and transporters; and
(c) require forms, analyses, documents, maps, and other records as the director finds necessary to:
(i) issue recycler and transporter registrations;
(ii) authorize reimbursements under Section 19-6-811;
(iii) inspect a site, facility, or activity regulated under this part; and
(iv) issue permits for and inspect waste tire storage sites.
(2) The director may:
(a) authorize any division employee to enter any site or facility regulated under this part at reasonable times and upon presentation of credentials, for the purpose of inspection, audit, or sampling:
(i) at the site or facility; or
(ii) of the records, operations, or products;
(b) as authorized by the board, enforce board rules by issuing orders which are subsequently subject to the board's amendment or revocation; and
(c) coordinate with federal, state, and local governments, and other agencies, including entering into memoranda of understanding, to:
(i) ensure effective regulation of waste tires under this part;
(ii) minimize duplication of regulation; and
(iii) encourage responsible recycling of waste tires.

19-6-821. Violations -- Civil proceedings and penalties -- Orders.
(1) A person who violates any provision of this part or any order, permit, plan approval, or rule issued or adopted under this part is subject to a civil penalty of not more than $10,000 per day for each day of violation as determined in a civil hearing under Title 63G, Chapter 4, Administrative Procedures Act, except:
(a) any violation of Subsection 19-6-804 (1), (3), or (4) is subject to the penalty under Subsection 19-6-804 (5) rather than the penalties under this section; and
(b) any violation of Subsection 19-6-808 (1), (2), or (3) regarding payment of the recycling fee by the tire retailer is subject to penalties as provided in Subsection 19-6-808 (4) rather than the penalties under this section.
(2) The director may bring an action in the name of the state to restrain a person from continuing a violation of this part and to require the person to perform necessary remediation regarding a violation of this part.
(3) When the director finds a situation exists in violation of this part that presents an immediate threat to the public health or welfare, the director may issue an emergency order under Title 63G, Chapter 4, Administrative

Procedures Act.
(4) The director may revoke the registration of a waste tire recycler or transporter who violates any provision of this part or any order, plan approval, permit, or rule issued or adopted under this part.
(5) The director may revoke the tire storage permit for a storage facility that is in violation of any provision of this part or any order, plan approval, permit, or rule issued or adopted under this part.
(6) If a person has been convicted of violating a provision of this part prior to a finding by the director of a violation of the same provision in an administrative hearing, the director may not assess a civil monetary penalty under this section for the same offense for which the conviction was obtained.
(7) All penalties collected under this section shall be deposited in the fund.

19-6-822. Criminal penalties.
A person is guilty of a third degree felony if the person knowingly or intentionally provides or submits false information under the following provisions:
(1) Subsection 19-6-809 (1)(a);
(2) Subsection 19-6-809 (1)(c);
(3) Subsection 19-6-809 (4);
(4) Subsection 19-6-810(1)(c);
(5) Subsection 19-6-810(2)(d);
(6) Subsection 19-6-811(3)(b);
(7) Subsection 19-6-811(6);
(8) Subsection 19-6-812(2); or
(9) Subsection 19-6-813(1).

19-6-823. Exception.
The provisions of this part do not apply to waste tires from any device moved exclusively by human power.