

IN THE SENATE

SENATE BILL NO. 1393

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO WASTE TIRES; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 39-6501, IDAHO CODE, TO PROVIDE LEGISLATIVE
3 FINDINGS; AMENDING SECTION 39-6501, IDAHO CODE, TO REDESIGNATE THE SEC-
4 TION, TO DEFINE TERMS, TO REVISE A DEFINITION, AND TO PROVIDE A CORRECT
5 CODE REFERENCE; AMENDING SECTION 39-6502, IDAHO CODE, TO REDESIGNATE
6 THE SECTION AND TO REVISE PROVISIONS REGARDING CERTAIN EMERGENCIES;
7 AMENDING SECTION 39-6503, IDAHO CODE, TO REDESIGNATE THE SECTION;
8 AMENDING SECTION 39-6504, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO
9 PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 65, TITLE 39, IDAHO
10 CODE, BY THE ADDITION OF A NEW SECTION 39-6506, IDAHO CODE, TO ESTAB-
11 LISH PROVISIONS REGARDING A WASTE TIRE RECYCLING FEE; AMENDING CHAPTER
12 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6507,
13 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING A WASTE TIRE RECYCLING
14 FUND; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF
15 A NEW SECTION 39-6508, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING
16 PAYMENT OF THE WASTE TIRE RECYCLING FEE AND AN ADMINISTRATIVE CHARGE;
17 AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW
18 SECTION 39-6509, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING PAR-
19 TIAL REIMBURSEMENT; AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE
20 ADDITION OF A NEW SECTION 39-6510, IDAHO CODE, TO PROVIDE LIMITATIONS
21 ON REIMBURSEMENT; AMENDING SECTION 39-6505, IDAHO CODE, TO REDESIGNATE
22 THE SECTION; AMENDING SECTION 39-6506, IDAHO CODE, TO REDESIGNATE THE
23 SECTION; AMENDING SECTION 39-6507, IDAHO CODE, TO REDESIGNATE THE SEC-
24 TION; AMENDING SECTION 39-6508, IDAHO CODE, TO REDESIGNATE THE SECTION;
25 AMENDING CHAPTER 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SEC-
26 TION 39-6515, IDAHO CODE, TO PROVIDE APPLICABILITY; AMENDING CHAPTER
27 65, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-6516, IDAHO
28 CODE, TO PROVIDE FOR AN ANNUAL REPORT TO THE LEGISLATURE; AND DECLARING
29 AN EMERGENCY.
30

31 Be It Enacted by the Legislature of the State of Idaho:

32 SECTION 1. That Chapter 65, Title 39, Idaho Code, be, and the same is
33 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
34 ignated as Section 39-6501, Idaho Code, and to read as follows:

35 39-6501. LEGISLATIVE FINDINGS. (1) The legislature finds that the
36 disposal of waste tires is a matter of statewide concern and that recycling
37 of waste tires should be promoted considering the health, environmental, and
38 economic benefits.

39 (2) The legislature further finds that the recycling of waste tires
40 will decrease the number of tires disposed in landfills and reduce the health
41 and safety hazards posed by waste tire storage sites not in compliance with
42 this chapter.

1 (3) The legislature further finds that the establishment of a fee for
 2 partial reimbursement of the costs of transporting, processing, and recy-
 3 cling of waste tires, for remediation of waste tire storage sites that are
 4 not permitted by or have not received written county or city authorization
 5 for operation, and for administration of this chapter by the department of
 6 environmental quality is environmentally and economically in the best in-
 7 terest of the state.

8 SECTION 2. That Section 39-6501, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 ~~39-6501~~ 39-6502. DEFINITIONS. As used in this chapter:

11 (1) "City" means the city where the waste tire storage site is located.

12 (2) "Commission" means the Idaho state tax commission.

13 ~~(2)~~ (3) "County" means the county where the waste tire storage site is
 14 located.

15 ~~(3)~~ (4) "Department" means the department of environmental quality.

16 (5) "Director" means the director of the department.

17 ~~(4)~~ (6) "Dispose" means to drop, deposit, dump, spill or permanently
 18 place any waste tire onto or under the ground or into the waters of this
 19 state, or to own or control property where waste tires are dropped, de-
 20 posited, dumped, spilled or permanently placed onto or under the ground or
 21 into the waters of this state.

22 (7) "End product" means a product that has component material derived
 23 from waste tires and that the department has determined to have a demon-
 24 strated market and substantial recycled tire content.

25 ~~(5)~~ (8) "Existing waste tire storage site" means any property storing
 26 waste tires prior to recycle, reuse, or final disposal as of July 1, 2003, re-
 27 gardless of whether the owner or operator possesses a permit or other written
 28 city or county authorization authorizing the storage of waste tires at the
 29 property.

30 (9) "Fund" means the waste tire recycling fund established pursuant to
 31 section 39-6507, Idaho Code.

32 (10) "Ground rubber" means waste tires that have been ground, shredded,
 33 or otherwise reduced in size such that the particles are less than or equal
 34 to three quarters (3/4) of an inch in diameter and are ninety-eight percent
 35 (98%) wire-free by weight.

36 (11) "Materials derived from waste tires" means ground rubber, tire
 37 sections, tire shreds, rubber, steel, fabric, or other similar materials
 38 derived from waste tires.

39 ~~(6)~~ (12) "Mining waste tire" means a waste tire which is greater than
 40 fifty-four (54) inches in diameter which was used in mining operations. Min-
 41 ing waste tires may be disposed of by burial. The department of lands shall
 42 prepare guidelines to govern the burial of mining waste tires.

43 ~~(7)~~ (13) "Motor vehicle" means any automobile, motorcycle, truck,
 44 trailer, semitrailer, truck tractor and semitrailer combination or other
 45 vehicle operated on the roads of this state, used to transport persons or
 46 property and propelled by power other than muscular power, but motor vehicle
 47 does not include bicycles.

48 (14) "Motor vehicle tire" has the same meaning as provided in section
 49 49-121(2), Idaho Code.

1 ~~(8)~~ (15) "New waste tire storage site" means any property that is not
2 storing waste tires as of July 1, 2003, and applies for and receives a permit
3 or other written city or county authorization to store waste tires prior to
4 recycle, reuse or final disposal on or after July 1, 2003.

5 ~~(9)~~ (16) "Operator" means any person presently, or who was during any
6 period of waste tire storage or disposal, in control of, or having responsi-
7 bility for a waste tire storage site or a waste tire disposal site.

8 ~~(10)~~ (17) "Owner" means a person who owned a waste tire storage site or
9 disposal site at any time waste tires are stored or disposed at the property,
10 and the current owner of the waste tire storage site or waste tire disposal
11 site.

12 ~~(11)~~ (18) "Person" means an individual, public or private corporation,
13 partnership, association, firm, joint stock company, joint venture, trust,
14 estate, municipality, commission, political subdivision of the state, state
15 or federal agency, department or instrumentality, special district, inter-
16 state body or any legal entity, which is recognized by law as the subject of
17 rights and duties.

18 (19) "Recycler" means a business operating in the state that annually
19 uses:

20 (a) Or can reasonably be expected during the next year to use a minimum
21 of one hundred thousand (100,000) waste tires generated in the state or
22 one thousand two hundred fifty (1,250) tons of waste tires generated in
23 the state to recover energy or produce energy, ground rubber, or an end
24 product; or

25 (b) One hundred twenty-five (125) tons or more of waste tires generated
26 in the state in end products.

27 ~~(12)~~ (20) "Retail tire dealer" means any person actively engaged in the
28 business of selling new, used, or retread replacement tires at the retail
29 level.

30 ~~(13)~~ (21) "Store" or "storage" means to accumulate more than two hun-
31 dred (200) waste tires at any time, in a manner that does not constitute fi-
32 nal disposal at a waste tire disposal site, or to own or control property on
33 which more than two hundred (200) waste tires accumulate at any given time,
34 in a manner that does not constitute final disposal at a waste tire disposal
35 site. The following activities shall not constitute "storing" or "storage"
36 of waste tires:

37 (a) A retail tire dealer collecting less than one thousand five hundred
38 (1,500) waste tires at any point in time for each retail business loca-
39 tion.

40 (b) A tire retreader collecting less than three thousand (3,000) waste
41 tires at any point in time for each individual retread operation so long
42 as the waste tires are of the type the retreader is actively retreading.

43 (c) A wrecking salvage business collecting less than one thousand five
44 hundred (1,500) waste tires for each retail business location.

45 (d) A waste tire disposal site collecting waste tires for disposal at
46 the site in accordance with the site's approved operating plan.

47 (e) A wholesale tire dealer collecting less than one thousand five hun-
48 dred (1,500) waste tires at any point in time for each wholesale busi-
49 ness location.

1 (f) An approved solid waste transfer station or solid waste landfill
2 collecting less than one thousand five hundred (1,500) waste tires
3 prior to transfer to an approved waste tire storage or disposal site.

4 (g) A farm or livestock operation which utilizes waste tires to secure
5 farm or livestock silage or wastes provided the total number of waste
6 tires shall not exceed one thousand five hundred (1,500).

7 ~~(h) A permitted facility storing tires for an approved beneficial use.~~

8 (h) A recycler using a total amount of waste tires that does not exceed
9 three thousand (3,000) tons. However, a tire recycler may possess more
10 tires than are provided for in this paragraph if such tire recycler sat-
11 isfies a bonding requirement.

12 ~~(14) "Tire" has the meaning provided in section 49-121, Idaho Code.~~

13 ~~(15) (22) "Tire retreader" means any person actively engaged in the~~
14 ~~business of retreading tires by scarifying the surface to remove the old~~
15 ~~surface tread and attaching a new tread to make a usable tire.~~

16 ~~(16) (23) "Transport" or "transporting" means picking up or hauling~~
17 ~~waste tires.~~

18 ~~(17) (24) "Waste tire" means a motor vehicle tire originally used for~~
19 ~~operation of a vehicle on a public roadway which is no longer suitable for its~~
20 ~~original intended purpose because of wear, damage or defect.~~

21 ~~(18) (25) "Waste tire storage site" means a new or existing waste tire~~
22 ~~storage site.~~

23 ~~(19) (26) "Waste tire disposal site" means a public or private municipal~~
24 ~~solid waste landfill operating in compliance with section 39-6503 39-6504,~~
25 ~~Idaho Code.~~

26 ~~(20) (27) "Wholesale tire dealer" means any person engaged in the busi-~~
27 ~~ness of selling new replacement tires to tire retailers.~~

28 ~~(21) (28) "Wrecking salvage business" means any establishment or place~~
29 ~~of business which is maintained, used, or operated, for storing, keeping,~~
30 ~~buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles~~
31 ~~or motor vehicle parts.~~

32 SECTION 3. That Section 39-6502, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 ~~39-6502 39-6503.~~ WASTE TIRE STORAGE SITES. (1) No person shall store
35 waste tires on any public or private property in this state or in the waters
36 of this state unless the property is a waste tire storage site as defined or
37 otherwise exempted in this chapter.

38 (2) Permit or local authorization required. No person shall own or op-
39 erate a waste tire storage site without a permit or other written county or
40 city authorization, as follows:

41 (a) Counties and cities shall only issue permits or other written au-
42 thorizations that contain terms and conditions that assure waste tire
43 storage sites are operated in compliance with this chapter and any ad-
44 ditional requirements the county or city deems appropriate. Counties
45 and cities shall review waste tire storage site applications pursuant
46 to the procedures contained in section 67-6512, Idaho Code.

47 (b) Existing waste tire storage sites.

48 (i) Within three (3) months of the effective date of this chapter,
49 the owner or operator of an existing site that is:

1 1. Operating without a permit or other written local autho-
2 rization on the effective date of this chapter, shall apply
3 to the respective county or city jurisdiction for approval
4 to operate the existing site via an approved permit or other
5 written city or county authorization; or

6 2. Operating with a previously issued permit or other writ-
7 ten city or county authorization on the effective date of
8 this chapter, shall notify the respective county or city ju-
9 risdiction.

10 (ii) If an existing waste tire storage facility fails to submit to
11 the county or city an application by October 1, 2003, the existing
12 waste tire storage site shall cease storing waste tires by January
13 1, 2004.

14 (iii) If the county or city determines not to issue a permit, other
15 written authorization, or a modification to an existing permit or
16 approval, for the existing waste tire storage site, the existing
17 waste tire storage site shall cease storing waste tires no later
18 than three (3) months after receiving notice of the determination
19 not to issue a permit, other written authorization, or modifica-
20 tion for the site.

21 (c) New waste tire storage sites. The current owner or operator of a
22 new waste tire storage site shall not commence waste tire storage at the
23 site until the county or city issues a permit or other written autho-
24 rization permitting waste tire storage.

25 (d) Counties and cities shall issue permits and other written local au-
26 thorizations for waste tire storage sites.

27 Upon written request from the city council or board of county commis-
28 sioners to the department, the department shall be responsible for the
29 permitting and authorization requirements of this section with respect
30 to any application submitted to the county or city, in lieu of the county
31 or city.

32 (e) Financial assurance. The owner or operator of a waste tire stor-
33 age site shall maintain financial assurance in the form of a cash bond
34 payable to the county or city, in an amount acceptable to the county or
35 city where the waste tire storage site is located; provided however,
36 counties and cities shall require a minimum initial financial assur-
37 ance of two dollars and fifty cents (\$2.50) per tire authorized to be
38 stored at the site. The amount of financial assurance shall be adjusted
39 each year in accordance with the consumer price index on the anniver-
40 sary date of the issuance of the permit or other city or county written
41 authorization. Failure to adjust the amount of financial assurance on
42 the anniversary date each year shall constitute failure to comply with
43 the provisions of this chapter and shall result in automatic revocation
44 of the permit or other written city or county authorization and forfei-
45 ture of the bond. Cities and counties shall only process an application
46 submitted under this section when documentation submitted with the
47 application establishes compliance with the financial assurance re-
48 quirement of this paragraph.

49 (i) The current owner or operator of an existing waste tire stor-
50 age site shall comply with the financial assurance requirement of

1 this paragraph by October 1, 2003. Except that the owner or oper-
2 ator of the existing waste tire storage site located in the magic
3 valley as provided by rule of the department shall comply with the
4 financial assurance requirement of this paragraph by July 1, 2005.

5 (ii) The current owner or operator of a new waste tire storage site
6 shall comply with the financial assurance requirement of this sec-
7 tion prior to commencing waste tire storage at the site.

8 Upon written request from the city council or board of county commis-
9 sioners to the department, the cash bond will be written in favor of the
10 department, in lieu of the city or county. In such cases, the department
11 will oversee use of the bond should two (2) owners or operators become
12 liable on the bond obligation.

13 (f) Siting. Counties and cities shall only issue a permit or written
14 authorization to a waste tire storage site when the application estab-
15 lishes that the proposed or existing site is located on property owned
16 as exclusively for industrial use.

17 (g) Application processing fee. Counties and cities may charge a fee
18 for processing a waste tire storage site permit or authorization appli-
19 cation or renewal.

20 (h) Records. Owners and operators of a waste tire storage site shall
21 record and maintain on-site for a period of three (3) years, operational
22 records including, but not limited to, the daily quantity of tires
23 transported to and from the site, and the estimated quantity of tires
24 located at the site.

25 (i) Suspension, revocation, renewal of permit or written authoriza-
26 tion. The county or city may suspend, revoke, or refuse to renew a waste
27 tire storage site's permit or written authorization if the county or
28 city determines that the site is operating in violation of any require-
29 ment of this section or any term or condition of the site's permit or
30 written authorization.

31 (3) In the event the current owner or operator of an existing or new
32 waste tire storage site fails to comply with the requirements of this sec-
33 tion, the board of county commissioners or city council may declare the site
34 a public nuisance; and may declare a public health or safety emergency based
35 on potential fire hazard, threat of insect borne disease, or potential con-
36 tamination of the state's ground or surface waters. If the respective gov-
37 erning authority has declared a public health or safety emergency, they may
38 petition the board of examiners for, and the board of examiners may autho-
39 rize, the issuance of deficiency warrants for the purpose of removing and
40 properly disposing of the tires upon the recommendation of the state fire
41 marshal in the event of fire hazard, or the district health department in
42 the event of insect borne disease hazard, or the department in the event of
43 ground or surface water contamination hazard.

44 (a) Upon authorization of deficiency warrants by the board of examiners
45 in accordance with provisions of this section, the state controller
46 shall, after notice to the state treasurer, draw deficiency warrants
47 in the authorized amounts against the ~~general fund~~ waste tire recycling
48 fund if revenues in the fund are sufficient to cover the costs or, if
49 revenues in the waste tire recycling fund are not sufficient to cover
50 the costs, then against the general fund.

1 (b) Nothing contained in this section shall be construed to change or
2 impair any right of recovery or subrogation arising under any other pro-
3 vision of law.

4 (c) The attorney general shall act to fully recover all costs incurred
5 by the state of Idaho and its political subdivisions pursuant to this
6 section, including but not limited to seeking recovery from the owners
7 or operators of an existing or new waste tire storage site of the cost of
8 any grant that may have been awarded pursuant to this section.

9 SECTION 4. That Section 39-6503, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 ~~39-6503~~ 39-6504. WASTE TIRE DISPOSAL. (1) No person shall dispose of
12 waste tires on any public or private property in this state or in the waters
13 of this state except at permitted public or private municipal solid waste
14 landfills which have been approved to accept waste tires in their operating
15 plans as specified in the following subsection.

16 (2) Waste tires may be disposed at a permitted public or private munic-
17 ipal solid waste landfill with an approved operating plan only if the waste
18 tires have been processed to meet the following criteria:

19 (a) The volume of one hundred (100) unprepared randomly selected whole
20 tires in one (1) continuous test period must be reduced by at least
21 sixty-five percent (65%) of the original volume as specified in subsec-
22 tion (3) of this section. No single void space greater than one hundred
23 twenty-five (125) cubic inches may remain in the randomly placed pro-
24 cessed tires; or

25 (b) The tires shall be reduced to an average chip size no greater than
26 sixty-four (64) square inches in any randomly selected sample of ten
27 (10) tires or more. No more than forty percent (40%) of the chips may
28 exceed sixty-four (64) square inches.

29 (3) Tire volumes shall be calculated as follows:

30 (a) Unprocessed whole tire volume shall be calculated by randomly
31 placing one hundred (100) unprepared randomly selected whole tires in a
32 rectangular container and multiplying the depth of unprocessed tires by
33 the bottom area of the container.

34 (b) Processed tire volume shall be determined by randomly placing the
35 processed tire test quantity in a rectangular container and leveling
36 the surface. It shall be calculated by multiplying the depth of pro-
37 cessed tires by the bottom area of the container.

38 SECTION 5. That Section 39-6504, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 ~~39-6504~~ 39-6505. TRANSPORT OF WASTE TIRES. (1) No person shall trans-
41 port waste tires for storage to any location in this state other than to a
42 waste tire storage site for which a city or county has issued a permit or
43 other written county or city authorization in active status.

44 (2) No person shall transport waste tires for disposal to any location
45 in this state other than to a municipal solid waste landfill which is oper-
46 ating in compliance with the requirements of section ~~39-6503~~ 39-6504, Idaho
47 Code.

1 ~~(3) Nothing in this section shall prohibit any person from transporting~~
2 ~~waste tires to facilities in the state which possess a valid air quality per-~~
3 ~~mit, provided the permit allows for an approved beneficial use of the waste~~
4 ~~tires.~~

5 SECTION 6. That Chapter 65, Title 39, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 39-6506, Idaho Code, and to read as follows:

8 39-6506. WASTE TIRE RECYCLING FEE. (1) There is hereby imposed a waste
9 tire recycling fee of one dollar (\$1.00) per new motor vehicle tire sold at
10 retail. The waste tire recycling fee shall be separate from other nongovern-
11 mental fees charged by a retailer.

12 (2) The amount of the fee that is collected by a seller from a purchaser
13 shall be separately designated by the retailer and designated on the receipt
14 or invoice accompanying the sale.

15 (3) The waste tire recycling fee shall not be imposed on the sale of re-
16 treaded or used tires.

17 (4) The fee for each tire with a rim diameter up to and including twenty-
18 four and one-half (24.5) inches, single or dual bead capacity, is one dollar
19 (\$1.00).

20 (5) The provisions of this section shall be null, void, and of no force
21 and effect on and after July 1, 2029.

22 SECTION 7. That Chapter 65, Title 39, Idaho Code, be, and the same is
23 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
24 ignated as Section 39-6507, Idaho Code, and to read as follows:

25 39-6507. WASTE TIRE RECYCLING FUND. (1) There is hereby established
26 in the state treasury the waste tire recycling fund, which shall be admin-
27 istered by the director and shall be subject to legislative appropriation.
28 Moneys in the fund shall consist of:

29 (a) Proceeds of any waste tire recycling fee;

30 (b) Penalties collected under this chapter;

31 (c) Interest earned on moneys in the fund; and

32 (d) Moneys recovered by the attorney general in any action pursuant to
33 the provisions of this chapter.

34 (2) Moneys in the fund shall be used in the following priority order:

35 (a) Costs associated with cleanup of waste tire storage sites operating
36 in violation of this chapter. The director may directly contract for
37 cleanup or provide grants to local governments for cleanup;

38 (b) Partial reimbursement of the cost of transporting, processing, and
39 recycling of waste tires as provided in this chapter; and

40 (c) Costs of the department in administering and enforcing this chap-
41 ter.

42 SECTION 8. That Chapter 65, Title 39, Idaho Code, be, and the same is
43 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
44 ignated as Section 39-6508, Idaho Code, and to read as follows:

1 39-6508. PAYMENT OF WASTE TIRE RECYCLING FEE -- ADMINISTRATIVE
2 CHARGE. (1) A retail tire dealer shall remit the fees collected from waste
3 tire recycling to the state tax commission.

4 (2) Fees collected by sellers shall be remitted to the commission at the
5 times and in the manner provided for in chapter 36, title 63, Idaho Code, with
6 respect to the sales tax. The commission shall establish registration, re-
7 porting, and payment procedures that substantially coincide with the regis-
8 tration and payment procedures that apply to the sales tax pursuant to the
9 provisions of chapter 36, title 63, Idaho Code.

10 (3) The payment shall be accompanied by a form prescribed by the commis-
11 sion.

12 (4) (a) The proceeds of the fee shall be transferred by the commission to
13 the fund for use as prescribed in section 39-6507, Idaho Code.

14 (b) The commission shall retain and deposit an administrative charge of
15 ten dollars (\$10.00) for the revenue the commission collects from a fee
16 under section 39-6506, Idaho Code.

17 (5) (a) The commission shall administer, collect, and enforce the fee
18 authorized under this chapter in accordance with the same procedures
19 used in the administration, collection, and enforcement of the state
20 sales and use tax. The following provisions of chapter 36, title 63,
21 Idaho Code, with respect to sales tax shall apply to the waste tire re-
22 cycling fee:

23 (i) Audit and appeal procedures;

24 (ii) Collection, enforcement, penalties, and interest; and

25 (iii) Statute of limitations and refunds of fees paid erroneously.

26 (b) A retail tire dealer may retain two and one-half percent (2.5%) of
27 the waste tire recycling fee collected under this chapter for the cost
28 of collecting the fee.

29 (6) The fee imposed by this chapter is in addition to all other state,
30 county, or municipal fees and taxes imposed on the sale of new tires.

31 (7) The commission shall have the authority to promulgate rules appli-
32 cable to the waste tire recycling fee. Such rules shall, to the extent prac-
33 ticable, minimize administrative burdens on sellers by incorporating exist-
34 ing provisions of chapter 36, title 63, Idaho Code, that apply to audits,
35 appeals, collection, enforcement, penalties, interest, statute of limita-
36 tions, and refunds of fees paid erroneously.

37 (8) The provisions of this section shall be null, void, and of no force
38 and effect on and after July 1, 2029.

39 SECTION 9. That Chapter 65, Title 39, Idaho Code, be, and the same is
40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
41 ignated as Section 39-6509, Idaho Code, and to read as follows:

42 39-6509. PARTIAL REIMBURSEMENT. (1) Waste tires generated in the
43 state shall include those generated at a retail tire dealer, those generated
44 from cleanup at a waste tire storage site not meeting the requirements of
45 this chapter, and those generated by Idaho residents and deposited at an
46 approved solid waste facility within the state.

47 (2) Subject to the limitations in section 39-6510, Idaho Code, a recy-
48 cler is entitled to:

1 (a) Sixty-five dollars (\$65.00) as partial reimbursement for each ton
2 of waste tires or material derived from waste tires converted to ground
3 rubber, if a contract exists for the sale of the ground rubber for use as
4 a component in an end product;

5 (b) Fifty dollars (\$50.00) as partial reimbursement for each ton of
6 waste tires or material derived from waste tires recycled, other than as
7 ground rubber; and

8 (c) Twenty dollars (\$20.00) as partial reimbursement for each ton of
9 ground rubber used for a beneficial use.

10 SECTION 10. That Chapter 65, Title 39, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 39-6510, Idaho Code, and to read as follows:

13 39-6510. LIMITATIONS ON REIMBURSEMENT. (1) The costs reimbursed under
14 this chapter may not exceed the moneys in the fund.

15 (2) If applications for reimbursement under this chapter exceed the
16 moneys in the fund, the director shall, as incoming funds allow, distribute
17 reimbursements in order from oldest to newest.

18 (3) Prior to July 1, 2029, if at any time during a fiscal year applica-
19 tions for reimbursement exceed moneys in the fund, the waste tire recycling
20 fee shall be increased by five percent (5%).

21 SECTION 11. That Section 39-6505, Idaho Code, be, and the same is hereby
22 amended to read as follows:

23 ~~39-6505~~ 39-6511. PROHIBITED ACTS. No person shall advertise or repre-
24 sent himself/herself as being in the business of accepting waste tires for
25 transport, storage, or disposal without being in full compliance with all
26 the provisions of this chapter.

27 SECTION 12. That Section 39-6506, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 ~~39-6506~~ 39-6512. RECYCLING AND REUSE OF WASTE TIRES. The state of
30 Idaho seeks to protect human health and the environment by encouraging the
31 recycling and reuse of waste tires. Accordingly, the legislature directs
32 the department to identify approved methods of recycling and reuse of waste
33 tires.

34 SECTION 13. That Section 39-6507, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 ~~39-6507~~ 39-6513. PENALTIES. Any person who knowingly stores, trans-
37 ports or disposes of a tire in violation of the provisions of this chapter is
38 subject to a civil penalty of not more than five hundred dollars (\$500) per
39 violation and is subject to the provisions of the environmental protection
40 and health act contained in section 39-108, Idaho Code. Each tire so dis-
41 posed of improperly constitutes a separate violation.

1 SECTION 14. That Section 39-6508, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 ~~39-6508~~ 39-6514. PURPOSE. The state of Idaho supports and encourages
4 the reuse and recycling of waste tires. The legislature finds the paramount
5 public interest in regulating waste tires is to protect public health and
6 safety. In particular, the legislature is concerned with eliminating poten-
7 tial fire hazards; minimizing or eliminating potential breeding grounds for
8 disease-bearing insects; and eliminating potential sources of surface and
9 ground water contamination.

10 SECTION 15. That Chapter 65, Title 39, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 39-6515, Idaho Code, and to read as follows:

13 39-6515. APPLICABILITY. The provisions of this chapter shall not ap-
14 ply to waste tires from any device moved exclusively by human power.

15 SECTION 16. That Chapter 65, Title 39, Idaho Code, be, and the same is
16 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
17 ignated as Section 39-6516, Idaho Code, and to read as follows:

18 39-6516. ANNUAL REPORT TO LEGISLATURE REQUIRED. The director shall
19 publish annually and provide to the appropriate germane legislative commit-
20 tees information on the impact of this chapter in promoting the cleanup of
21 waste tires in Idaho. At a minimum, the information shall include each of the
22 following with respect to the prior year:

- 23 (1) The approximate number of tires recycled;
- 24 (2) The approximate number of waste tire storage sites remediated;
- 25 (3) The dollar amount expended on waste tire recycling, cleanup, and
26 remediation; and
- 27 (4) The dollar amount expended on partial reimbursements pursuant to
28 section 39-6509, Idaho Code.

29 SECTION 17. An emergency existing therefor, which emergency is hereby
30 declared to exist, this act shall be in full force and effect on and after its
31 passage and approval.