

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 969 Session of
1999

INTRODUCED BY ARGALL, MUNDY, HERSHEY, GEORGE, DALLY, HARHART,
LEH, BELFANTI, BARD, HUTCHINSON, RUBLEY, McCALL, EACHUS,
PHILLIPS, HASAY, BATTISTO, CALTAGIRONE, CAPPABIANCA, CAWLEY,
CHADWICK, CIVERA, CLYMER, L. I. COHEN, CORRIGAN, CURRY,
DeLUCA, FAIRCHILD, FREEMAN, GEIST, GRUCELA, HALUSKA, HARHAI,
HENNESSEY, HERMAN, HORSEY, JOSEPHS, KENNEY, LAUGHLIN,
LEDERER, LESCOVITZ, LEVDANSKY, LUCYK, MAHER, MASLAND,
McILHINNEY, MELIO, MYERS, NICKOL, ORIE, RAMOS, READSHAW,
ROONEY, SAINATO, SAYLOR, SEMMEL, SERAFINI, SEYFERT, SHANER,
B. SMITH, STABACK, STEELMAN, STERN, SURRA, TANGRETTI,
E. Z. TAYLOR, TIGUE, TRELLO, TRICH, VANCE, WILLIAMS, WILT,
YOUNGBLOOD AND ZUG, MARCH 22, 1999

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED,
NOVEMBER 17, 1999

AN ACT

1 Amending the act of December 19, 1996 (P.L.1478, No.190),
2 entitled "An act relating to the recycling and reuse of waste
3 tires; providing for the proper disposal of waste tires and
4 the cleanup of stockpiled tires; authorizing investment tax
5 credits for utilizing waste tires; providing remediation
6 grants for the cleanup of tire piles and for pollution
7 prevention programs for small business and households;
8 establishing the Small Business and Household Pollution
9 Prevention Program and management standards for small
10 business hazardous waste; providing for a household hazardous
11 waste program and for grant programs; making appropriations;
12 and making repeals," ADDING DEFINITIONS; further providing <—
13 for disposal of whole waste tires, for the priority
14 enforcement list and for remediation grants; providing for a
15 registration program, for documentation and recordkeeping,
16 for revocation of registration AND for collection programs; <—
17 FURTHER PROVIDING FOR TIRE RECYCLING INVESTMENT TAX CREDITS;
18 PROVIDING for grants and for waste tire storage; and making
19 appropriations.

20 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section ~~106(a)~~ 104 of the act of December 19, <—
3 1996 (P.L.1478, No.190), entitled, "An act relating to the
4 recycling and reuse of waste tires; providing for the proper
5 disposal of waste tires and the cleanup of stockpiled tires;
6 authorizing investment tax credits for utilizing waste tires;
7 providing remediation grants for the cleanup of tire piles and
8 for pollution prevention programs for small business and
9 households; establishing the Small Business and Household
10 Pollution Prevention Program and management standards for small
11 business hazardous waste; providing for a household hazardous
12 waste program and for grant programs; making appropriations; and
13 making repeals," is amended BY ADDING DEFINITIONS to read: <—

14 SECTION 104. DEFINITIONS. <—

15 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
16 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
17 CONTEXT CLEARLY INDICATES OTHERWISE:

18 * * *

19 "GENERATOR." AN INDIVIDUAL OR BUSINESS THAT ACCEPTS WHOLE
20 USED OR WASTE TIRES FOR STORAGE, A NEW OR USED TIRE RETAILER,
21 WHOLESALE, MANUFACTURER, RETREADER, FLEET OPERATOR OR
22 AUTOMOTIVE DISMANTLER.

23 "HAULER." A REGISTERED INDIVIDUAL OR COMPANY THAT COLLECTS
24 OR TRANSPORTS WHOLE USED OR WASTE TIRES OR PROCESSED TIRES FOR
25 STORAGE, PROCESSING OR DISPOSAL.

26 * * *

27 "PROCESSOR." AN INDIVIDUAL OR BUSINESS THAT ALTERS OR
28 CONVERTS WHOLE USED OR WASTE TIRES THROUGH SHREDDING, CHOPPING
29 OR SPLITTING.

30 * * *

SECTION 2. SECTION 106(A) OF THE ACT IS AMENDED TO READ:

Section 106. Disposal of whole waste tires.

(a) Landfill disposal prohibited.--No person shall knowingly mix any whole used or waste tires with solid waste for disposal. Owners or operators of landfills shall not accept whole [used or waste] or processed tires for disposal. Nothing in this section shall prohibit the disposal at landfills of occasional whole used or waste tires unknowingly and inadvertently mixed with solid waste.

* * *

Section ~~2~~ 3. The act is amended by adding sections to read: <—

Section 106.1. Registration program.

(a) Duty of department.--The department shall establish a registration program for generators, haulers and processors of whole used or waste tires.

(b) Registration number to be issued.--The department shall issue a registration number for each generator, hauler and processor of whole used or waste tires.

(c) Annual renewal required.--Registration for generators, haulers and processors of whole used or waste tires shall be renewed annually. Registration expiration and renewal shall be determined by the department.

(d) Registration fee.--Each generator, hauler and processor of whole used or waste tires shall pay an annual registration fee of \$50.

Section 106.2. Documentation and recordkeeping.

(a) Duty of generators, haulers and processors.--Each generator, hauler and processor of waste tires shall maintain daily records of tires collected, transported and processed. The daily record shall be on a form approved by the department.

1 (b) Nature of records to be maintained.--Recordkeeping
2 requirements shall be determined by the department and shall
3 include at least the following:

- 4 (1) The number of tires collected.
- 5 (2) The number of tires to be transported and processed.
- 6 (3) The generator, hauler and processor registration
7 numbers.

8 (c) Records to be retained for three years.--All daily
9 records shall be retained by the generator, hauler and processor
10 for a period of three years. The daily records shall be made
11 available to the department upon request.

12 Section 106.3. Revocation.

13 The department may suspend, revoke or deny any registration
14 issued under this act for a specified length of time to be
15 determined by the department for:

16 (1) Failure to maintain a complete and accurate daily
17 record of collection, shipment and processing of waste tires.

18 (2) Alteration of recordkeeping documents.

19 (3) Delivery of waste tires or processed tires to a
20 nonregistered disposal or storage facility.

21 (4) Use of a nonregistered hauler to transport waste
22 tires.

23 (5) Failure to comply with any rule or regulation
24 established by the department under this act.

25 (6) Illegal dumping of waste tires or processed tires.

26 ~~Section 3. Sections 107 and 111(e)~~ SECTION 4. SECTIONS 107, <—
27 109, 111(E) AND 113 of the act are amended to read:

28 Section 107. Priority enforcement list.

29 (a) Development of list of waste tire sites.--Within 90 days
30 of the effective date of this act, the department shall identify

1 and develop a Statewide list of waste tire sites with more than
2 10,000 waste tires known or estimated to be stockpiled. The
3 department shall rank the waste tire sites according to their
4 potential for creating environmental health and safety hazards
5 and designate these sites as priority sites to those facilities
6 requesting tax investment credits under section 109.

7 (b) Maintenance of updated list.--The department shall
8 review and update the priority enforcement list every two years.

9 (c) Municipal notification.--For the purposes of section
10 112, the department shall notify in writing the counties and
11 municipalities of the waste tire sites selected to be listed on
12 the priority enforcement list that are located within their
13 borders.

14 (d) Additional waste tire sites to be listed.--Within one
15 year from the effective date of this subsection, the department
16 shall identify and develop a Statewide list of waste tire sites
17 with less than 10,000 tires known or estimated to be stockpiled.

18 (e) Maintenance of additional list.--The department shall
19 review and update the list of waste tire sites with less than
20 10,000 tires known or estimated to be stockpiled every two
21 years.

22 SECTION 109. INVESTMENT TAX CREDITS FOR EQUIPMENT FOR REDUCING, <—
23 REUSING OR RECYCLING WHOLE USED OR WASTE TIRES.

24 (A) EQUIPMENT PURCHASE, RETROFITTING OR EXPANSION OF
25 FACILITIES TAX CREDIT.--BEGINNING WITH TAX YEARS BEGINNING ON OR
26 AFTER JANUARY 1, 1997, EVERY TAXPAYER ENGAGED IN THE BUSINESS OF
27 REDUCING, REUSING OR RECYCLING WHOLE USED OR WASTE TIRES THAT
28 PURCHASES WASTE REDUCTION, REUSE OR RECYCLING EQUIPMENT OR
29 RETROFITS EXISTING FACILITIES FOR THE PURPOSE OF REDUCING THE
30 NUMBER OF WHOLE USED OR WASTE TIRES OR REUSING OR RECYCLING

1 WHOLE USED OR WASTE TIRES OR MAKES A QUALIFIED INVESTMENT TO
2 REHABILITATE, EXPAND OR IMPROVE BUILDINGS FOR THE PURPOSE OF
3 REDUCING, REUSING OR RECYCLING WHOLE USED OR WASTE TIRES FOR
4 WHICH AN END MARKET EXISTS SHALL RECEIVE AN INVESTMENT TAX
5 CREDIT EQUAL TO 30% OF THE COST OF THE WASTE REDUCTION, REUSE OR
6 RECYCLING EQUIPMENT OR INFRASTRUCTURE INVESTMENTS. THE CREDIT
7 MAY BE CLAIMED AGAINST ANY TAX DUE UNDER ARTICLE III, IV OR VI
8 OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX
9 REFORM CODE OF 1971, FOR THE TAX YEAR DURING WHICH THE COST WAS
10 INCURRED.

11 (B) CERTIFICATION FROM DEPARTMENT REQUIRED.--TO CLAIM CREDIT
12 UNDER THIS SECTION, A TAXPAYER MUST OBTAIN CERTIFICATION FROM
13 THE DEPARTMENT CERTIFYING TO THE DEPARTMENT OF REVENUE ALL OF
14 THE FOLLOWING:

15 (1) THE TAXPAYER IS ENGAGED IN THE BUSINESS OF REDUCING,
16 REUSING OR RECYCLING WHOLE USED OR WASTE TIRES.

17 (2) THE EQUIPMENT PURCHASED OR INFRASTRUCTURE INVESTMENT
18 IS FOR THE PURPOSE OF WHOLE USED OR WASTE TIRE REDUCTION,
19 REUSE OR RECYCLING.

20 (3) THE TAXPAYER ENGAGED IN THE BUSINESS OF WHOLE USED
21 OR WASTE TIRE REDUCTION, REUSE OR RECYCLING MUST DEMONSTRATE
22 THAT AT LEAST 10% OF THE WHOLE USED OR WASTE TIRES PROCESSED
23 EACH YEAR WERE COLLECTED FROM PRIORITY TIRE SITES AS
24 IDENTIFIED BY THE DEPARTMENT.

25 (4) THE AMOUNT OF TAX CREDIT AVAILABLE TO THE TAXPAYER.

26 (C) CONTINUING TAX CREDITS.--FOR THE YEARS FOLLOWING THE
27 FIRST YEAR A TAXPAYER OR BUSINESS RECEIVES AN INVESTMENT TAX
28 CREDIT UNDER SUBSECTION (A), AN INVESTMENT TAX CREDIT OF 10% OF
29 THE COST OF THE WASTE REDUCTION, REUSE OR RECYCLING EQUIPMENT OR
30 INFRASTRUCTURE INVESTMENTS SHALL BE ALLOWED FOR EACH YEAR IN

1 WHICH A TAXPAYER ENGAGED IN THE BUSINESS OF WHOLE USED OR WASTE
2 TIRE REDUCTION, REUSE OR RECYCLING DEMONSTRATES AT LEAST 25% OF
3 THE WASTE TIRES PROCESSED WERE COLLECTED FROM PRIORITY TIRE
4 SITES AS DESIGNATED BY THE DEPARTMENT.

5 (D) LIMITATION.--THE DOLLAR AMOUNT MADE AVAILABLE THROUGH
6 THE DEPARTMENT OF REVENUE IN EACH CALENDAR YEAR FOR TAX CREDITS
7 SHALL NOT EXCEED \$2,000,000.

8 (E) GENERAL FUND REIMBURSEMENT.--AN AMOUNT EQUAL TO THE TAX
9 CREDITS CLAIMED UNDER THIS SECTION SHALL BE TRANSFERRED FROM THE
10 RECYCLING FUND CREATED BY SECTION 706 OF THE ACT OF JULY 28,
11 1988 (P.L.556, NO.101), KNOWN AS THE MUNICIPAL WASTE PLANNING,
12 RECYCLING AND WASTE REDUCTION ACT, TO THE GENERAL FUND.

13 (F) DETERMINATION OF DISTRIBUTION.--IF THE REQUESTS FOR TAX
14 INVESTMENT CREDITS UNDER SUBSECTION (A) EXCEED \$2,000,000 DURING
15 ANY CALENDAR YEAR, THE DEPARTMENT SHALL DETERMINE WHICH
16 TAXPAYERS ENGAGED IN THE BUSINESS OF WHOLE USED OR WASTE TIRE
17 REDUCTION, REUSE OR RECYCLING SHALL RECEIVE THE INVESTMENT TAX
18 CREDITS.

19 (G) SUNSET.--THE INVESTMENT TAX CREDITS UNDER SUBSECTION (A)
20 SHALL EXPIRE [WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS
21 ACT] DECEMBER 31, 2005. NO INVESTMENT TAX CREDIT UNDER THIS ACT
22 MAY BE CLAIMED AFTER [JANUARY 1, 2000] DECEMBER 31, 2005.

23 (H) COMPUTATION TO EXCLUDE CERTAIN COSTS.--THE COST OF
24 FEASIBILITY STUDIES OR EQUIPMENT USED TO SERVICE THE WASTE
25 REDUCTION, REUSE OR RECYCLING EQUIPMENT SHALL NOT BE USED TO
26 COMPUTE TAX CREDITS.

27 Section 111. Remediation grants.

28 * * *

29 (e) Limitation.--

30 (1) Grants under this section shall not be used for the

1 purchase of equipment.

2 (2) NO GRANT AWARD SHALL BE USED FOR INCINERATION OR FOR <—
3 THE DEVELOPMENT OR USE OF TIRE-DERIVED FUEL.

4 ~~(2)~~ (3) No grant recipient may dispose of whole used or <—
5 waste tires or processed tires in landfills.

6 ~~(3)~~ (4) Grant recipients shall make the whole used or <—
7 waste tires or processed tires available to an appropriate
8 facility for reuse, ~~recycling or energy recovery~~ OR <—
9 RECYCLING.

10 * * *

11 SECTION 113. COMMONWEALTH RECYCLING AND USE OF WASTE TIRES. <—

12 (A) USE OF WASTE TIRES BY COMMONWEALTH AGENCIES.--WITHIN TWO
13 YEARS AFTER THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT OF
14 CONSERVATION AND NATURAL RESOURCES, THE DEPARTMENT OF
15 CORRECTIONS, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
16 ENVIRONMENTAL PROTECTION [AND], THE DEPARTMENT OF
17 TRANSPORTATION, THE STATE SYSTEM OF HIGHER EDUCATION AND THE
18 STATE-RELATED UNIVERSITIES SHALL, TO THE MAXIMUM EXTENT
19 PRACTICABLE AND FEASIBLE, GIVE DUE CONSIDERATION TO THE USE OF
20 WASTE TIRES IN ALL APPROPRIATE CONSTRUCTION AND ENGINEERING
21 ACTIVITIES WHICH ARE PAID WITH PUBLIC FUNDS.

22 (B) REPORTS.--WITHIN THREE YEARS AFTER THE EFFECTIVE DATE OF
23 THIS ACT, THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES,
24 THE DEPARTMENT OF CORRECTIONS, THE DEPARTMENT OF EDUCATION, THE
25 DEPARTMENT OF ENVIRONMENTAL PROTECTION [AND], THE DEPARTMENT OF
26 TRANSPORTATION, THE STATE SYSTEM OF HIGHER EDUCATION AND THE
27 STATE-RELATED UNIVERSITIES SHALL SUBMIT A REPORT TO THE
28 ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE SENATE AND
29 THE ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE OF THE HOUSE OF
30 REPRESENTATIVES CONCERNING THE IMPLEMENTATION OF THIS SECTION.

1 THE REPORT SHALL INCLUDE A DESCRIPTION OF WHAT ACTIONS THE
2 AGENCIES HAVE TAKEN IN THE PREVIOUS TWO YEARS TO IMPLEMENT THIS
3 SECTION.

4 Section 4 5. The act is amended by adding sections to read: <—

5 Section 114. Waste tire collection programs.

6 (a) General rule.--A person, local government, business,
7 corporation or other organization shall operate waste tire
8 collection programs only in accordance with requirements
9 established by the department.

10 (b) Registration and department approval.--No person, local
11 government, business, corporation or other organization shall
12 establish a program for the collection of whole used or waste
13 tires without approval from the department.

14 (c) Qualifications.--No person, local government, business,
15 corporation or other organization may be selected to operate a
16 waste tire collection program unless the ability to properly
17 collect, transport and process waste tires is demonstrated to
18 the satisfaction of the department.

19 (d) Program recordkeeping.--Each approved program shall
20 maintain records regarding the collection, transportation and
21 processing of whole used or waste tires. Recordkeeping
22 requirements shall be determined by the department and shall
23 include at least the following:

24 (1) The number of whole used or waste tires collected.

25 (2) The number of tires transported.

26 (3) The hauler and processor registration numbers.

27 (e) Availability of records.--All records shall be made
28 available to the department upon request.

29 Section 115. Grants for waste tire collection programs.

30 (a) General rule.--The department may provide grants to

1 persons, local governments, businesses, corporations or other
2 organizations for reimbursement of eligible costs for waste tire
3 collection programs approved by the department.

4 (b) Grant disbursement.--The department shall establish a
5 grant ceiling for each proposed collection program based on the
6 number of tires to be collected and the estimated processing
7 costs.

8 (c) Restrictions.--Grants awarded under this section shall
9 be subject to the following:

10 (1) Grant recipients shall apply the funds received from
11 the department only to those purposes and activities
12 authorized by the department or otherwise approved by the
13 department.

14 (2) The department may not award the grants to any
15 person, local government, business, corporation or other
16 organization which has contributed in any manner to the
17 creation of a waste tire pile.

18 (3) Any additional restrictions which the department, by
19 regulation, may designate so long as the restriction is
20 promulgated in regulation.

21 (d) Appropriations.--The following amounts are hereby
22 appropriated to the Department of Environmental Protection from
23 the Recycling Fund created by section 706 of the act of July 28,
24 1988 (P.L.556, No.101), known as the Municipal Waste Planning,
25 Recycling and Waste Reduction Act, for awarding grants under
26 this section:

<u>Fiscal year</u>	<u>Amount</u>
<u>1999</u>	<u>\$250,000</u>
<u>2000</u>	<u>250,000</u>
<u>2001</u>	<u>250,000</u>

1 2002 250,000

2 2003 250,000

3 Section 116. Waste tire storage.

4 (a) Limited storage time.--No generator, hauler or processor
5 of whole used or waste tires may store whole used or waste tires
6 for more than 100 days.

7 (b) Public health and safety concerns.--A generator, hauler
8 or processor of whole used or waste tires that stores whole used
9 or waste tires shall prevent and eliminate conditions that are
10 harmful to the public health, safety or the environment, or
11 conditions that attract vectors, create fire safety hazards or
12 other public nuisances.

13 (c) Penalty.--A generator, hauler or processor of whole used
14 or waste tires found in violation of subsections (a) and (b)
15 shall be subject to the penalties provided for in section 108.

16 (D) APPLICABILITY.--THIS SECTION SHALL NOT APPLY TO A PERSON <—
17 OR BUSINESS WHO OWNS OR HAS CONTROL OF FEWER THAN 100 TIRES AND
18 IF THE PRIMARY PURPOSE AND MAIN SOURCE OF REVENUE FOR THAT
19 PERSON OR BUSINESS IS THE SALE OF TIRES FOR COMMERCIAL AND
20 PERSONAL VEHICLES.

21 Section 5 6. This act shall take effect in 60 days. <—