

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2916 Session of  
1992

INTRODUCED BY CARONE, STUBAN, BATTISTO, BROUJOS, CAPPABIANCA,  
DALEY, GAMBLE, ITKIN, JOSEPHS, KOSINSKI, STEELMAN, STURLA,  
ARGALL, CESSAR, J. TAYLOR, WOGAN AND M. N. WRIGHT,  
JULY 2, 1992

REFERRED TO COMMITTEE ON CONSERVATION, JULY 2, 1992

AN ACT

1 Prohibiting landfilling of whole waste tires; providing for  
2 nuisance abatement; providing for a study by the Pennsylvania  
3 Energy Office; providing for registration by persons who  
4 store or collect waste tires; encouraging use of recycled  
5 tires and tire-derived products; providing for  
6 responsibilities of tire retailers and wholesalers and  
7 vehicle dealers; establishing a waste tire management fund;  
8 providing for waste tire grants; imposing additional powers  
9 and duties on the Department of Environmental Resources; and  
10 imposing penalties.

11 TABLE OF CONTENTS

12 Section 1. Short title.  
13 Section 2. Legislative findings and declaration of policy.  
14 Section 3. Definitions.  
15 Section 4. Powers and duties of department.  
16 Section 5. Powers and duties of Environmental Quality Board.  
17 Section 6. Study by Pennsylvania Energy Office.  
18 Section 7. Land disposal of tires prohibited.  
19 Section 8. Waste tire nuisance; abatement.  
20 Section 9. Storage of waste tires.  
21 Section 10. Collection of waste tires.

1 Section 11. Use of waste tire-derived products by State  
2 agencies; encouragement of technologies for  
3 production of tire-derived products, energy  
4 or fuel.  
5 Section 12. Responsibilities of tire retailers and  
6 wholesalers.  
7 Section 13. Waste Tire Management Fund.  
8 Section 14. Regulations; responsibilities of municipalities.  
9 Section 15. Unlawful acts.  
10 Section 16. Fines and penalties.  
11 Section 17. Report to General Assembly.  
12 Section 18. Construction of act.  
13 Section 19. Repeals.  
14 Section 20. Effective date.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Short title.

18 This act shall be known and may be cited as the Waste Tire  
19 Management Act.

20 Section 2. Legislative findings and declaration of policy.

21 The General Assembly finds and declares as follows:

22 (1) An estimated 2,000,000,000 old tires lie in the  
23 nation's dumps, with more than 200,000,000 added every year.

24 (2) This Commonwealth scraps approximately 12,000,000  
25 tires annually. Many waste tires are stockpiled or dumped  
26 illegally because of the difficulty and expense involved in  
27 landfilling whole waste tires.

28 (3) Tire dumps attract mosquitoes and are susceptible to  
29 fires which create hazardous liquids and noxious emissions,  
30 posing a threat to the public health and safety and the

environment.

(4) While methods for recycling waste tires and using tire-derived materials exist, the current market demand for such materials is not strong. Incentives for developing new recycling technologies, for utilizing the existing recycling methods, and for stimulating the market for waste tires and tire-derived materials are necessary to create alternatives disposal. Continuous market development and waste reduction is essential to eliminating the illegal storage and disposal of waste tires.

(5) To fulfill its obligation to promote the health, safety and welfare of its citizens and to protect the environment, the Commonwealth should establish a program for the proper disposal, collection and processing of waste tires and encourage the use of recycled waste tires and tire-derived materials and products.

### Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Collection center." A registered site where waste tires are collected from the public prior to being offered for processing and where fewer than 2,500 waste tires are kept in open storage at all times.

"Department." The Department of Environmental Resources of the Commonwealth.

"Fund." The Waste Tire Management Fund.

"Municipal Waste Planning, Recycling and Waste Reduction Act." The act of July 28, 1988 (P.L. 556, No. 101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

1 "Municipality." A city, borough, incorporated town,  
2 township, or county or any authority created by any of the  
3 foregoing.

4 "New vehicle tire." An originally manufactured tire for use  
5 on a vehicle. The term does not include any remanufactured,  
6 recapped, retreaded or otherwise restored tire.

7 "Processing." Processing as defined in the act of July 7,  
8 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

9 "Retread tire." A worn automobile, truck or other vehicle  
10 tire on which the tread has been replaced.

11 "Solid Waste Management Act." The act of July 7, 1980  
12 (P.L.380, No.97), known as the Solid Waste Management Act.

13 "Tire dump." A facility used for the collection, storage,  
14 processing or disposal of waste tires or tire-derived materials  
15 that is required to register with the Department of  
16 Environmental Resources of the Commonwealth and has not  
17 registered or that is required to obtain a processing or  
18 disposal permit from the department and has not obtained such  
19 permit.

20 "Vehicle." Every device in, upon or by which any person or  
21 property is or may be transported or drawn upon a highway,  
22 except devices used exclusively upon rails or tracks. The term  
23 does not include a pedalcycle.

24 "Waste tire." A tire no longer suitable for its intended  
25 original purpose because of wear, damage or defect. The term  
26 does not include casings.

27 "Waste tire monofilling." Utilization of a site where only  
28 shredded waste tires are disposed of in a permitted landfill for  
29 long-term storage and retrieval at a later date.

30 Section 4. Powers and duties of department.

1 The department shall have the following powers and duties:

2 (1) To administer a waste tire management program  
3 pursuant to the provisions of this act, the Solid Waste  
4 Management Act, the Municipal Waste Planning, Recycling and  
5 Waste Reduction Act, and any other acts governing solid waste  
6 management, municipal waste planning, recycling and waste  
7 reduction and pollution.

8 (2) To administer the Waste Tire Management Fund  
9 established pursuant to this act.

10 (3) To encourage the establishment of waste tire  
11 collection centers where the public may deposit waste tires  
12 at waste tire processing facilities, solid waste disposal  
13 facilities and at tire retail and wholesale establishments.

14 (4) To establish public education and incentive programs  
15 to encourage individuals to deposit waste tires at waste tire  
16 collection centers, to support waste tire recycling and to  
17 use waste tire-derived products.

18 (5) To provide for registration of waste tire collection  
19 centers and for reporting requirements for the centers.

20 (6) To prescribe standards and requirements for the  
21 storage of waste tires and tire-derived materials pursuant to  
22 the Solid Waste Management Act, including but not limited to,  
23 restrictions on the size and location of waste tire storage  
24 sites, access controls, vector controls, fire and hazard  
25 prevention and requirements relating to the filing of  
26 reports, contingency plans and provisions for financial  
27 assurance with the department.

28 (7) To approve the beneficial use of whole waste tires  
29 pursuant to section 104(18) of the Solid Waste Management Act  
30 regardless of whether the waste tires have been processed

1 prior to beneficial use.

2 Section 5. Powers and duties of Environmental Quality Board.

3 The Environmental Quality Board shall have the power, and its  
4 duty shall be to adopt the rules and regulations of the  
5 department for the administration and enforcement of this act by  
6 the department.

7 Section 6. Study by Pennsylvania Energy Office.

8 (a) Market development and waste reduction study.--Within 18  
9 months of the effective date of this act, the Pennsylvania  
10 Energy Office shall submit to the Governor and the General  
11 Assembly a report which shall include, but not be limited to,  
12 the following information:

13 (1) The number and geographic distribution of waste  
14 tires in this Commonwealth including the location and size of  
15 waste tire storage or disposal sites, waste tire collection  
16 centers and waste tire processing facilities.

17 (2) The current and projected capacity of existing  
18 markets to absorb waste tires and tire-derived materials.

19 (3) Market conditions, laws and governmental policies  
20 that inhibit or affect demand for waste tires or tire-derived  
21 materials.

22 (4) Potential opportunities to increase and stabilize  
23 the demand for and use of waste tires and tire-derived  
24 materials, including, but not limited to, proposed  
25 legislation, if necessary.

26 (5) Prioritization of options for reuse or recycling of  
27 waste tires and tire-derived materials, including but not  
28 limited to, use of remanufactured rubber products, blends  
29 with polymers, substitutes for plastics in composite  
30 applications, asphalt additives and tire-derived fuel.

1           (6) Assessment of technology development needs for  
2       alternative ways to process, recycle or reuse tires and tire-  
3       derived products.

4           (7) Specific recommendations on markets for waste tires  
5       and tire-derived materials for each region of this  
6       Commonwealth, within the region, or in another region or  
7       state.

8           (8) Recommendations regarding ways to reduce the number  
9       of tires that enter the waste stream, including but not  
10      limited to, incentives for prolonging product life, methods  
11      for ensuring product recyclability, tax incentives,  
12      prohibitions against the use of certain products and product  
13      performance standards.

14      (b) Updating study.--Within five years after completion of  
15      the market development and waste reduction study required under  
16      subsection (a), the Pennsylvania Energy Office shall submit to  
17      the Governor and the General Assembly an updated study, taking  
18      into account information developed since completion of the  
19      initial study.

20      (c) Distribution of the study.--The Pennsylvania Energy  
21      Office shall promptly make available to the department, the  
22      Department of Transportation, municipalities, and other  
23      interested persons the results of the studies required by this  
24      section.

25      Section 7. Land disposal of tires prohibited.

26      (a) General rule.--The disposal of whole waste tires in the  
27      land shall be prohibited commencing 12 months after the  
28      effective date of this act unless the department postpones such  
29      prohibition through notice published in the Pennsylvania  
30      Bulletin and mailed to operators of permitted waste facilities.

1 Such postponement shall be based upon a determination made  
2 following a public hearing that there are not sufficient  
3 feasible alternatives to land disposal of whole waste tires at  
4 that time. The term of postponement shall not exceed 12 months  
5 unless extended based on a determination made following a public  
6 hearing that alternatives to land disposal of whole waste tires  
7 are not practicable based upon information regarding existing  
8 technology, costs and logistics. After the effective date of the  
9 prohibition set forth in this section, no person may place a  
10 waste tire in mixed municipal waste or discard or otherwise  
11 dispose of a waste tire except by delivery to a tire retailer or  
12 wholesaler or to a registered waste tire collection center or a  
13 permitted processing or disposal facility. No tire retailer or  
14 wholesaler shall dispose of waste tires except by delivery to a  
15 registered collection center or permitted processing or disposal  
16 facility.

17 (b) Exceptions.--The prohibition contained in subsection (a)  
18 shall not apply to the disposal of shredded waste tires at a  
19 permitted solid waste management facility, the infrequent  
20 disposal of whole waste tires at a permitted solid waste  
21 disposal facility inadvertently or unintentionally included  
22 within mixed loads of municipal waste, the use of waste tires,  
23 shredded waste tires or other waste tire products in the  
24 operation of a permitted solid waste management facility as  
25 daily cover material, as a leachate flow-zone medium, or for  
26 other beneficial uses if approved by the department pursuant to  
27 section 104(18) of the Solid Waste Management Act or pursuant to  
28 an equivalency review or demonstration facility application, or  
29 to the storage of unprocessed waste tires at a registered  
30 collection center, a permitted municipal waste processing or



1 storage facility, a permitted waste tire monofilling facility or  
2 permitted waste tire processing facility, provided that the  
3 department may prescribe limitations regarding the number of  
4 unprocessed waste tires which may be stored openly at such  
5 facilities at any one time.

6 (c) Recycling fee, host municipality benefit fee and site  
7 specific postclosure fee.--Waste tires, shredded waste tires and  
8 waste tire products beneficially used or used pursuant to an  
9 equivalency review approved under subsection (b) or otherwise  
10 recycled shall not be subject to any recycling fee, host  
11 municipality benefit fee or site specific postclosure fee  
12 imposed pursuant to the Municipal Waste Planning, Recycling and  
13 Waste Reduction Act when accepted at a permitted municipal waste  
14 processing or disposal facility.

15 Section 8. Waste tire nuisance; abatement.

16 (a) Nuisance.--A tire dump unreasonably endangers the  
17 health, safety and welfare of the public and is a nuisance.

18 (b) Abatement by the department.--The department may abate a  
19 nuisance caused by a tire dump or by improper waste tire  
20 collection, storage, processing or disposal pursuant to its  
21 powers and duties under this act, the Solid Waste Management  
22 Act, the Municipal Waste Planning, Recycling and Waste Reduction  
23 Act, and any other act governing solid waste management,  
24 municipal waste planning, recycling and waste reduction, or  
25 pollution. In addition to assessing penalties, the department  
26 may recover abatement costs in an action pursuant to section 613  
27 of the Solid Waste Management Act.

28 (c) Abatement by municipalities.--A municipality may abate a  
29 nuisance caused by a tire dump or by improper tire collection,  
30 storage, processing or disposal within the municipality by

1 providing for the removal and proper management of the tires.  
2 The municipality may recover abatement costs in an action  
3 pursuant to section 613 of the Solid Waste Management Act.

4 (d) Right to enter.--The department, municipalities and  
5 agents or employees of the department or municipalities shall  
6 have the right to enter any building, property, premises or  
7 place where waste tires are stored, processed or disposed of for  
8 the purpose of abating a nuisance caused by improper tire  
9 collection, storage, processing or disposal.

10 (e) Permits.--Permits issued pursuant to the Solid Waste  
11 Management Act shall not be required for abatement of waste tire  
12 nuisances conducted pursuant to this section by the department  
13 or a municipality or by a contractor utilized by the department  
14 or a municipality.

15 Section 9. Storage of waste tires.

16 (a) General rule.--Except as provided in subsection (b), no  
17 person shall possess, in open storage, more than 1,500 waste  
18 tires.

19 (b) Exceptions.--The prohibition in subsection (a) shall not  
20 apply to:

21 (1) A person using waste tires for agricultural purposes  
22 or beneficial uses approved by the department if the waste  
23 tires are kept on the site of use, provided that the waste  
24 tires are regularly used for agricultural or beneficially  
25 useful purposes.

26 (2) A person using waste tires for erosion control, bank  
27 stabilization and other conservation projects if practiced in  
28 accordance with a written conservation plan approved by the  
29 department.

30 (3) A tire processing facility or a monofill or other

1 disposal facility which has received a permit from the  
2 department under the Solid Waste Management Act, provided  
3 that the facility properly stores waste tires in accordance  
4 with the requirements of the department to prevent nuisances  
5 and to eliminate harm or the threat of harm to public health,  
6 safety, welfare or the environment.

7 (4) A waste tire collection center that has registered  
8 with the department pursuant to section 10 and which is in  
9 compliance with the requirements of this act.

10 (5) A person who has more than 1,500 waste tires in open  
11 storage in his possession on the effective date of this act  
12 if all of the following conditions are met:

13 (i) Within 180 days of the effective date of this  
14 act, the person prepares and submits to the department  
15 and the municipality in which the storage site is located  
16 a plan to ensure removal of waste tires from the storage  
17 site within two years after the effective date of this  
18 act and forwarding of the waste tires to a registered  
19 waste tire collection center or permitted processing or  
20 disposal facility.

21 (ii) The person maintains a copy of the plan at the  
22 storage site.

23 (iii) The person is operating in accordance with the  
24 plan.

25 (iv) The person stores no more than 1,500 waste  
26 tires within two years after the effective date of this  
27 act.

28 (c) Registration required.--A person who stores 1,500 or  
29 more waste tires in open storage at any time, other than the  
30 owner or operator of a registered collection center or permitted

1 processing or disposal facility, shall register and file semi-  
2 annual reports with the department on forms provided by the  
3 department, identifying the number of waste tires stored, the  
4 approximate date upon which storage commenced, any exception  
5 under subsection (b) to which the person may be entitled, action  
6 taken pursuant to any plan which may be required under  
7 subsection (b)(5), briefly describing the physical design and  
8 layout of the property and structures used for storage of waste  
9 tires, and certifying that waste tires will be stored in  
10 accordance with the requirements of the department to prevent  
11 nuisances and to eliminate harm or the threat of harm to public  
12 health safety, welfare or the environment. The department shall  
13 impose a minimum annual tire storage registration fee of \$150  
14 upon persons required to register pursuant to this subsection.  
15 The fee may be modified by regulation, and revenues from  
16 registration fees shall be paid into the fund.

17 Section 10. Collection of waste tires.

18 (a) Registration required.--A person who desires to collect  
19 waste tires from the public shall register with the department  
20 as a collection center and shall store no more than 2,500 waste  
21 tires at the collection center site in open storage at any one  
22 time. The owner or operator of a registered collection center  
23 shall certify that waste tires stored at the center shall be  
24 stored in accordance with the requirements of the department to  
25 prevent nuisances and to eliminate harm or the threat of harm to  
26 public health, safety, welfare or the environment. The  
27 department shall impose a minimum annual tire collection fee of  
28 \$100 upon persons required to register pursuant to this  
29 subsection. The fee may be modified by regulation and revenues  
30 from registration fees shall be paid into the fund established

1 by this act.

2 (b) Transfer of tires for reuse.--The owner or operator of a  
3 waste tire collection center shall transfer all waste tires  
4 collected or stored at the center to a tire retreader or  
5 recapper, permitted waste tire processing facility, or to a  
6 permitted disposal facility within a period to be determined by  
7 the department by regulation unless the tires will be reused in  
8 a manner approved by the department. The owner or operator of a  
9 waste tire collection center shall verify to the department that  
10 this requirement is being met by filing semi-annual reports to  
11 the department on forms provided by the department.

12 (c) Notice to be posted.--The owner or operator of a waste  
13 tire collection center shall post written notice which must be  
14 at least 8 1/2 inches by 11 inches in size and which must  
15 contain the universal recycling symbol and indicate that the  
16 person has registered with the department as a waste tire  
17 collection center.

18 (d) Failure to post notice.--The department shall provide  
19 the notices required by subsection (c) to persons who register  
20 with the department as waste tire collection centers. Failure to  
21 post the notice required by subsection (c) shall subject the  
22 owner or operator of the waste tire collection center to a civil  
23 penalty of \$100 per day, collectible by the department.

24 (e) Exception.--The provisions of this section shall not  
25 apply to permitted municipal waste processing or disposal  
26 facilities or persons transporting waste tires to a registered  
27 collection center, a tire processing facility or a permitted  
28 municipal waste processing or disposal facility, provided the  
29 facilities and persons store waste tires in accordance with the  
30 requirements of the department to prevent nuisances and to

1 eliminate harm or threat of harm to public health, safety,  
2 welfare or the environment.

3 Section 11. Use of waste tire-derived products by State  
4 agencies; encouragement of technologies for  
5 production of tire-derived products, energy or  
6 fuel.

7 (a) Highway construction materials.--The department, in  
8 cooperation with the Department of Transportation, shall  
9 encourage the use of rubber recovered from waste tires as  
10 surfacing material, structural material and fill for highway  
11 improvement projects, consistent with standard engineering  
12 practices.

13 (b) Preferential purchase program.--The department, in  
14 cooperation with the Department of General Services, shall  
15 establish an affirmative procurement program for the  
16 preferential purchase of retread tires by State agencies  
17 pursuant to 40 CFR 253.3 (relating to applicability).

18 (c) Research and demonstration projects.--The department, in  
19 cooperation with the Pennsylvania Energy Office and the  
20 Pennsylvania Energy Development Authority, shall encourage  
21 research and demonstration projects related to the feasibility  
22 of technologies for the reuse or recycling of waste tires or  
23 tire-derived materials and the feasibility and use of tire-  
24 combustion technologies for the production of energy or fuel.

25 (d) Processing and recycling.--The department, in  
26 cooperation with the Department of Commerce, shall encourage and  
27 assist the establishment or improvement of businesses to process  
28 or recycle waste tires.

29 Section 12. Responsibilities of tire retailers and wholesalers.

30 (a) Tires accepted in trade.--Any person selling new tires

1 at retail or wholesale shall accept, at the point of transfer,  
2 used tires from customers in a quantity at least equal to the  
3 number purchased. Failure to comply with this subsection shall  
4 subject the seller to a civil penalty, collectible by the  
5 department, not to exceed the price of the new tire for which a  
6 waste tire was not accepted in exchange.

7 (b) Transfer of tires for reuse.--A retail or wholesale tire  
8 dealer who is not registered as a waste tire collection center  
9 pursuant to section 10 shall comply with section 9 regarding  
10 storage of waste tires and shall transfer waste tires collected  
11 or stored on the business premises to a registered waste tire  
12 collection center, tire retreader or recapper, permitted waste  
13 tire processing facility, or to a permitted disposal facility in  
14 a timely manner.

15 (c) Notice to be posted.--Any person selling or offering  
16 tires for sale at retail or wholesale shall post written notice  
17 which must be at least 8 1/2 inches by 11 inches in size and  
18 which must contain the universal recycling symbol and the  
19 following language:

20 (1) "It is illegal to discard of a waste tire except at  
21 a registered tire collection center, permitted tire  
22 processing or disposal facility or tire retail or wholesale  
23 facility."

24 (2) "State law requires us to accept used vehicle tires  
25 in exchange for new tires purchased."

26 (d) Failure to post notice.--The department shall provide  
27 the notices required by subsection (c) to all places where new  
28 tires are offered for sale at retail or wholesale. The  
29 department may inspect any such place, and authorized employees  
30 of the department may issue warnings and citations to persons

1 who fail to comply. Failure to post the notice required by  
2 subsection (c) shall subject the retailer or wholesaler to a  
3 civil penalty of \$25 per day, collectible by the department.

4 Section 13. Waste Tire Management Fund.

5 All fees, penalties and repayments for abatement activities  
6 collected pursuant to this act shall be paid into a special fund  
7 known as the Waste Tire Management Fund which is hereby  
8 established. The moneys deposited into the fund shall be used by  
9 the department for administration of this act, with a portion  
10 being transferred to the Pennsylvania Energy Office to be  
11 expended for the preparation of, revisions to, and  
12 implementation of the market development and waste reduction  
13 study required by section 6. Any moneys remaining in the fund  
14 shall be used by the department for grants and loans to  
15 municipalities which elect to administer a waste tire management  
16 program pursuant to the provisions of this act and for the  
17 encouragement of public and private efforts related to waste  
18 tire abatement, collection, processing and recycling. In  
19 administering grants and loans pursuant to this section, the  
20 department shall rely to the maximum extent practicable upon  
21 resources available in the private sector.

22 Section 14. Regulations; responsibilities of municipalities.

23 (a) Regulations.--The department shall propose rules and  
24 regulations governing the administration of a Waste Tire  
25 Management Program pursuant to the provisions of this act, the  
26 Solid Waste Management Act, the Municipal Waste Planning,  
27 Recycling and Waste Reduction Act, and any other act governing  
28 solid waste management, municipal waste planning, recycling and  
29 waste reduction and pollution, within 180 days of the effective  
30 date of this act.



(b) Responsibilities of Municipalities.--Municipalities which desire to establish waste tire management programs shall adopt ordinances that are not in violation of or inconsistent with the provisions and purposes of this act, the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act, and the regulations promulgated pursuant thereto. Municipal waste tire management programs may include, but shall not be limited to, enforcement, recycling and educational activities as approved by the department.

Section 15. Unlawful acts.

It shall be unlawful for any person to:

(1) Dispose, collect, store or process waste tires within this Commonwealth except in accordance with this act, the Solid Waste Management Act and any rules or regulations promulgated thereunder.

(2) Hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty under this act.

(3) Hinder, obstruct, prevent or interfere with any municipality or its personnel in the performance of any duty related to its responsibilities under this act.

Section 16. Fines and penalties.

(a) Violations in general.--Except as otherwise provided in sections 10(d) and 12 and subsection (b), a person who violates any provision of this act shall be subject to the following penalties:

(1) For the first violation, a person commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$100 nor more than \$1,000 and costs or, in default of the payment of the fine and costs, to

1 imprisonment for not more than 30 days.

2 (2) For a second and subsequent violation, a person  
3 commits a misdemeanor of the third degree and shall, upon  
4 conviction, be sentenced to pay a fine of not less than  
5 \$1,000 nor more than \$5,000 or to imprisonment for not more  
6 than 90 days, or both.

7 (b) Waste tire nuisance.--A person who causes a waste tire  
8 nuisance under section 8 commits a misdemeanor of the second  
9 degree and shall, upon conviction, be sentenced to pay a fine of  
10 not less than \$2,500 nor more than \$10,000 or to imprisonment  
11 for not more than one year, or both, in addition to any other  
12 civil or criminal penalty provided by law.

13 (c) Deposit of fines.--Fines and costs collected pursuant to  
14 this section shall be paid into the fund.

15 Section 17. Report to General Assembly.

16 The department shall submit a report to the General Assembly  
17 concerning the implementation of this act and the success of the  
18 Waste Tire Management Program not later than five years after  
19 the effective date of this act. The report shall include a  
20 recommendation regarding the need for continuation of the fund  
21 or for discontinuation of the fund and deposit of fund moneys  
22 and future waste tire management fees, fines and penalties into  
23 the Solid Waste Abatement Fund established under the Solid Waste  
24 Management Act for expenditure on waste tire management as well  
25 as other solid waste management activities.

26 Section 18. Construction of act.

27 This act shall be construed in pari materia with the Solid  
28 Waste Management Act and the Municipal Waste Planning, Recycling  
29 and Waste Reduction Act.

30 Section 19. Repeals.

1 All acts and parts of acts are repealed insofar as they are  
2 inconsistent with this act.

3 Section 20. Effective date.

4 This act shall take effect as follows:

5 (1) Sections 9 and 10 of this act shall take effect in  
6 90 days.

7 (2) The remainder of this act shall take effect  
8 immediately.