
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1929 Session of
1995

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SERAFINI, JUNE 29, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 29, 1995

AN ACT

1 Relating to the recycling and reuse of waste tires; providing
2 for the proper disposal of waste tires and the cleanup of
3 stockpiled tires; establishing a registration and manifest
4 system for tracking the transportation, storage and
5 processing of waste tires; and authorizing investment tax
6 credits for utilizing waste tires.

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9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Short title.

12 This act shall be known and may be cited as the Waste Tire
13 Recycling Act.

14 Section 2. Legislative findings.

15 The General Assembly finds and declares as follows:

16 (1) An estimated 36,000,000 waste tires are stockpiled
17 in Pennsylvania.

18 (2) Waste tires and stockpiled tires continue to be an
19 environmental threat to this Commonwealth.

20 (3) Approximately 12,000,000 waste tires are generated
21 in Pennsylvania each year.

22 (4) Stockpiled tires create environmental hazards such
23 as tire fires and heavy mosquito infestations.

24 (5) Landfilled whole tires and tire piles use valuable
25 and productive land space.

26 (6) Financial incentives need to be created to help
27 stimulate waste tire markets.

28 Section 3. Purpose.

29 It is the purpose of this act:

30 (1) To ensure that whole used and waste tires are

1 collected and put to beneficial use or properly disposed.

2 (2) To provide for the abatement of whole used and waste
3 tire dumps and their associated threats to public health and
4 welfare.

5 (3) To encourage qualified investments by private
6 companies to rehabilitate, expand or improve manufacturing
7 processes, facilities, buildings and land to promote the use
8 and recycling of waste tires.

9 (4) To reuse the current supply of waste tires generated
10 each year in this Commonwealth.

11 Section 4. Definitions.

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

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

17 "Disposal." The placement of whole used waste tires into or
18 on any land or water except as an integral part of systematic
19 reuse or conversion.

20 "Generator." An individual or business that accepts whole
21 used or waste tires for storage, a new or used tire retailer,
22 wholesaler, manufacturer, retreader, fleet operator or
23 automotive dismantler.

24 "Landfill." A facility using land for disposing of municipal
25 solid waste.

26 "Manifest system." A written record identifying the
27 quantity, origin, routing and destination from the point of
28 origin to the point of storage, processing or disposal.

29 "Priority site." Any site designated by the Department of
30 Environmental Resources to contain more than 100,000 stockpiled

1 tires.

2 "Processed tire." A whole used or waste tire that has been
3 altered or converted through shredding, chopping or splitting.

4 "Processor." An individual or business that alters or
5 converts whole used or waste tires through shredding, chopping
6 or splitting.

7 "Recycling." The systematic collection, sorting, cleaning
8 and returning of waste tires to commerce for use as commodities.

9 "Retailer." A person or business that sells or offers for
10 sale new, retreaded or remanufactured tires to consumers.

11 "Storage." The accumulation of whole used tires or processed
12 tires that does not constitute disposal. At a minimum, the
13 accumulation must be an integral part of the systematic
14 alteration, reuse, processing or conversion of waste tires.

15 "Waste reduction, reuse or recycling equipment." Machinery,
16 equipment or facility modification designed to process or
17 convert waste tires into a beneficial product or productive use.

18 "Waste tire." A scrap tire that has been disposed of and can
19 no longer be used for the purpose for which it was originally
20 intended.

21 "Waste tire hauler." A registered individual or company that
22 collects or transports whole used or waste tires or processed
23 tires for storage, processing or disposal.

24 "Waste tire storage facility." A registered facility at
25 which whole used or waste tires or processed tires are collected
26 and stored for future use as a material for recycling, reuse or
27 recovery.

28 Section 5. Powers and duties of department.

29 The department shall have the power and its duty shall be to:

30 (1) Administer the whole used or waste tire management

1 program pursuant to the provisions of this act.

2 (2) Consult with the Department of Revenue concerning
3 matters of tax credit disbursements.

4 (3) Cooperate with local units of government and
5 appropriate private businesses in carrying out the duties of
6 this act.

7 (4) Regulate the storage, collection, transportation,
8 processing and use of waste tires.

9 (5) Issue registrations and specify terms and conditions
10 of such registration and conduct inspections of and abate
11 public nuisances and hazards to implement the purposes and
12 standards adopted pursuant to this act.

13 Section 6. Disposal of whole waste tires.

14 (a) Mixing tires with municipal waste prohibited.--No person
15 shall knowingly mix any whole used or waste tires with municipal
16 solid waste for disposal, and owners or operators of sanitary
17 landfills shall not accept whole used or waste tires for final
18 disposal.

19 (b) Exceptions.--Sanitary landfills may accept whole tires
20 when:

21 (1) The landfill provides and maintains a means for
22 shredding, chopping or splitting whole used or waste tires
23 prior to disposal.

24 (2) The landfill uses the whole used or waste tires for
25 alternative uses, which may include onsite practices such as
26 lining of roadways with waste tires, alternative daily
27 landfill cover or use in a landfill leachate collection
28 system.

29 (3) The landfill makes available the whole used or waste
30 tires to an appropriate facility for reuse, processing or use

1 as an alternative energy fuel source.

2 (c) Notice to department.--Landfills that make available
3 whole used or waste tires to an appropriate facility for reuse,
4 recycling or processing or as an alternative fuel source shall
5 notify the department within 30 days of the date the whole used
6 or waste tires are made available to the appropriate facility.
7 Notification shall include information regarding the following:

8 (1) The name and address of the facility owner and
9 operator.

10 (2) The name, address and location of the facility.

11 (3) The type of operation using the whole used or waste
12 tires.

13 (4) The date of shipment.

14 (5) The number of whole used and waste tires made
15 available.

16 Section 7. Generator registration.

17 (a) Businesses which are required to register.--An
18 individual or business that regularly disposes of whole used or
19 waste tires is designated as a waste tire generator and shall
20 register with the department. Registration with the department
21 as a waste tire generator may include the following:

22 (1) The name of the individual or business.

23 (2) The mailing address and physical address of the
24 individual or business.

25 (3) The county in which the individual or business is
26 located.

27 (4) The tax identification number of the business.

28 (b) Registration number.--The department shall issue
29 registration numbers for each waste tire generator.

30 (c) Changes in original registration information.--The

1 generator shall notify the department within 15 days of any
2 changes to registration information.

3 (d) Annual renewal of registration.--Registration for whole
4 used or waste tire generators is required to be renewed
5 annually. Registration expiration and renewal shall be
6 determined by the department.

7 (e) Registration fee.--An annual registration fee of \$50 is
8 required for each waste tire generator.

9 (f) Uses of used or waste tires.--Registered generators of
10 whole used or waste tires shall make available the whole used or
11 waste tires to an appropriate facility for reuse or as an
12 alternative fuel source.

13 Section 8. Transporter registration.

14 (a) Businesses which are required to register.--An
15 individual or recycling business other than a generator that
16 regularly transports whole used or waste tires or waste tire
17 pieces for reuse, storage or disposal is designated as a waste
18 tire hauler and shall register with the department. Registration
19 with the department may include the following:

20 (1) The name, physical address, mailing address, county
21 and telephone number of the applicant.

22 (2) The name, address and telephone number of any
23 partner, officer or director.

24 (3) Description of vehicles and all relative vehicle
25 registration information.

26 (4) The estimated number of tires to be hauled.

27 (5) The business identification number.

28 (b) Registration number.--The department shall issue
29 registration numbers for each waste tire hauler.

30 (c) Changes in original registration information.--The

1 hauler shall notify the department within 15 days of any changes
2 to registration information.

3 (d) Annual renewal of registration.--Registration for waste
4 tire haulers is required to be renewed annually. Registration
5 expiration and renewal shall be determined by the department.

6 (e) Registration fee.--An annual registration fee of \$25 is
7 required for each waste tire hauler.

8 (f) Delivery and storage of used or waste tires.--Registered
9 haulers of whole used or waste tires or processed tires shall
10 only deliver whole used or waste tires or processed tires to a
11 registered storage facility or registered processor.

12 (g) Uses of used or waste tires.--Registered haulers of
13 whole used or waste tires or processed tires shall make
14 available the used tires or processed tires to an appropriate
15 facility for reuse or use as an alternative fuel source.

16 Section 9. Processor registration.

17 (a) Businesses which are required to register.--An
18 individual or business that regularly engages in the practice of
19 altering or converting whole used or waste tires through
20 shredding, chopping or splitting for resale is designated as a
21 waste tire processor and shall register with the department.
22 Registration with the department as a waste tire processor may
23 include the following:

24 (1) The name of the individual or business.

25 (2) The address or physical location of the individual
26 or business.

27 (3) The county in which the individual or business is
28 located.

29 (4) The tax identification number of the business.

30 (b) Annual renewal of registration.--Registration for waste

1 tire processors is required to be renewed annually. Registration
2 expiration and renewal shall be determined by the department.

3 (c) Uses of processed tires.--Waste tire processors shall
4 make available the processed tires to an appropriate facility
5 for reuse, recycling or use as an alternative fuel source.

6 Section 10. Site storage registration and standards.

7 (a) Businesses which are required to register.--Any open
8 land or enclosed area used for the regular collection of whole
9 used or waste tires or processed tires shall be considered a
10 waste tire storage facility and shall be registered with the
11 department in accordance with section 7(a). Storage of whole
12 used or waste tires or waste tire pieces shall be considered a
13 temporary means of holding such tires.

14 (b) Department to regulate certain standards of facility.--
15 The department shall prescribe standards and requirements for
16 the storage of whole used or waste tires, processed tires and
17 tire-derived materials, including, but not limited to,
18 restrictions on the size and location of waste tire storage
19 sites, access controls, vector controls and fire hazard
20 prevention.

21 (c) Changes in original registration information.--The
22 storage facility shall notify the department within 15 days of
23 any changes to registration information.

24 (d) Registration number.--The department shall issue
25 registration numbers for each site storage.

26 (e) Annual renewal of registration.--Registration for whole
27 used or waste tire storage facilities is required to be renewed
28 annually. Registration expiration and renewal shall be
29 determined by the department.

30 (f) Uses of used or waste tires.--Facilities that store

1 whole used or waste tires or processed tires shall make
2 available the whole used or waste tires or processed tires to an
3 appropriate facility for reuse, recycling or use as an
4 alternative fuel source.

5 Section 11. Manifest system.

6 (a) Documentation and recordkeeping of generators.--

7 Generators shall initiate and maintain a record of the whole
8 used or waste tires collected and removed offsite. The record
9 shall be in the form of a manifest or similar documentation
10 approved by the department. The manifest shall contain the
11 following:

12 (1) Name and address of the individual or business that
13 generated the whole used or waste tires.

14 (2) The generator's registration number.

15 (3) Date of tire shipment.

16 (4) Name and registration number of the hauler.

17 (5) Number of tires or weight in pounds and the type of
18 whole used or waste tires collected.

19 (6) Signatures of generator and hauler acknowledging
20 that the manifest information is correct.

21 (7) Name, address or location of registered disposal,
22 storage, processing or recycling facility to receive the
23 waste tire shipment.

24 (b) Documentation and recordkeeping of haulers.--Waste tire
25 haulers shall maintain a record of the transported whole used or
26 waste tires or processed tires. The record shall be in the form
27 of a manifest or similar documentation approved by the
28 department. The manifest shall contain the information outlined
29 in subsection (a).

30 (c) Documentation and recordkeeping by facility operators.--

1 Owners and operators of storage facilities shall maintain a
2 record of the whole used or waste tires or processed tires
3 received from the hauler. The record shall be in the form of a
4 manifest or similar documentation approved by the department.
5 The manifest shall contain the information outlined in
6 subsection (a).

7 (d) Documentation and recordkeeping by processors.--Waste
8 tire processors shall maintain a record of the whole used or
9 waste tires received for processing. The record shall be in the
10 form of a manifest or similar documentation approved by the
11 department. The manifest shall contain the information outlined
12 in subsection (a).

13 (e) Records to be retained for three-year minimum.--All
14 manifest records shall be retained by the generator, hauler,
15 processor and storage facility owner or operator for a period of
16 three years. Manifest records shall be made available to the
17 department upon request.

18 (f) Transporters shall be registered.--All waste tire
19 storage facilities, generators and processors of whole used or
20 waste tires that do not transport their own tires shall use
21 waste tire haulers that are registered with the department under
22 section 8.

23 Section 12. Priority enforcement list.

24 (a) Development of list of waste tire sites.--Within 90 days
25 of the effective date of this act, the department shall identify
26 and develop a Statewide list of waste tire sites with more than
27 100,000 waste tires known or estimated to be stockpiled. The
28 department shall rank the waste tire sites according to their
29 potential for creating environmental health and safety hazards
30 and designate these sites as priority sites to those facilities

1 requesting tax investment credits under section 14.

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

4 Section 13. Penalties.

5 (a) Suspension of registration.--The department may suspend,
6 revoke or deny any registration issued under this act for a
7 specified length of time to be determined by the department for:

8 (1) Failure to maintain a complete and accurate record
9 of collection, shipment and storage of whole used or waste
10 tires.

11 (2) Alteration of manifest documents.

12 (3) Delivery of whole used or waste tires or processed
13 tires to a nonregistered storage facility.

14 (4) Failure to comply with any rule or regulation
15 established by the department under this act.

16 (5) Illegal dumping of whole used or waste tires or
17 processed tires.

18 (6) Collection, transportation or storage of whole used
19 or waste tires or processed tires without registration
20 numbers.

21 (7) Failure to notify the department of any changes in
22 the registration information required in sections 7(a) and
23 8(a).

24 (b) Additional penalty for first violation.--For the first
25 violation, a person commits a summary offense and shall, upon
26 conviction, be sentenced to pay a fine of not less than \$100 and
27 not more than \$1,000, or be subject to imprisonment for not more
28 than 30 days, or both.

29 (c) Additional penalty for subsequent violations.--For the
30 second and any subsequent violations, a person commits a

1 misdemeanor of the third degree and shall, upon conviction, be
2 sentenced to pay a fine of not less than \$1,000 and not more
3 than \$5,000, or be subject to imprisonment for not more than 90
4 days, or both.

5 Section 14. Investment tax credits for equipment for reducing,
6 reusing or recycling whole used or waste tires.

7 (a) Equipment purchase, retrofitting or expansion of
8 facilities tax credit.--Beginning with tax years beginning on or
9 after January 1, 1995, every taxpayer engaged in the business of
10 reducing, reusing or recycling whole used or waste tires for
11 commercial purposes that purchases waste reduction, reuse or
12 recycling equipment or retrofits existing facilities for the
13 purpose of reducing the number of whole used or waste tires or
14 reusing or recycling whole used or waste tires or makes a
15 qualified investment to rehabilitate, expand or improve
16 buildings for the purpose of reducing, reusing or recycling
17 whole used or waste tires shall receive an investment tax credit
18 equal to 30% of the cost of the waste reduction, reuse or
19 recycling equipment or infrastructure investments.

20 (b) New business tax credit.--Beginning with tax years
21 beginning on or after January 1, 1995, every new business
22 created for the purpose of reducing, reusing or recycling whole
23 used or waste tires for commercial purposes that purchases waste
24 reduction, reuse or recycling equipment or makes qualified
25 infrastructure investments for the purposes of waste tire
26 reduction, reuse or recycling shall receive an investment tax
27 credit equal to 5% of the equipment or infrastructure
28 investments.

29 (c) Certification from department required.--To claim credit
30 under this section, a taxpayer must obtain certification from

1 the department certifying to the Department of Revenue all of
2 the following:

3 (1) The taxpayer is engaged in the business of reducing,
4 reusing or recycling whole used or waste tires.

5 (2) The equipment purchased or infrastructure investment
6 is for the purpose of whole used or waste tire reduction,
7 reuse or recycling.

8 (3) The taxpayer engaged in the business of whole used
9 or waste tire reduction, reuse or recycling must demonstrate
10 that at least 10% of the whole used or waste tires processed
11 each year were collected from priority tire sites as
12 identified by the department.

13 (d) Continuing tax credits.--For the years following the
14 first year a taxpayer or business receives an investment tax
15 credit under subsection (a) or (b), an investment tax credit of
16 10% of the cost of the waste reduction, reuse or recycling
17 equipment or infrastructure investments shall be allowed for
18 each year in which a taxpayer engaged in the business of whole
19 used or waste tire reduction, reuse or recycling demonstrates at
20 least 25% of the waste tires processed were collected from
21 priority tire sites as designated by the department.

22 (e) Limitation.--The dollar amount made available through
23 the Department of Revenue in each calendar year for tax credits
24 shall not exceed \$2,000,000.

25 (f) Determination of distribution.--If the requests for tax
26 investment credits under subsection (a) or (b) exceeds
27 \$2,000,000 during any calendar year, the department shall
28 determine which taxpayers engaged in the business of whole used
29 or waste tire reduction, reuse or recycling shall receive the
30 investment tax credits.

1 (g) Sunset.--The investment tax credits under subsection (a)
2 or (b) shall expire within three years of the effective date of
3 this act.

4 (h) Computation to exclude certain costs.--The cost of
5 feasibility studies or equipment used to service the waste
6 reduction, reuse or recycling equipment shall not be used to
7 compute tax credits.

8 Section 15. Report to the General Assembly.

9 The department shall submit a report to the General Assembly
10 concerning the implementation of this act, the success of the
11 waste tire registration and manifest system and the reduction of
12 stockpiled waste tires not later than three years after the
13 implementation of this act.

14 Section 16. Effective date.

15 This act shall take effect immediately.