

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1929 Session of 1995

INTRODUCED BY ARGALL, PETRONE, BATTISTO, CARONE, HARHART, PLATTS, HUTCHINSON, DeLUCA, LYNCH, MIHALICH, SATHER, BAKER, HERSHEY, HERMAN, DEMPSEY, JAROLIN, GODSHALL, MUNDY, FARGO, NAILOR, PETTIT, M. N. WRIGHT, LEVDANSKY, YOUNGBLOOD, BELARDI, BARD, SAYLOR, MANDERINO, COY, TRELLO, WAUGH, STURLA, RAYMOND, WOGAN, LAUGHLIN, D. W. SNYDER, MELIO, L. I. COHEN, MERRY, ALLEN, GAMBLE, EGOLF, STEELMAN, CIVERA, PISTELLA, SERAFINI AND McGEEHAN, JUNE 29, 1995

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 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 RELATING TO THE RECYCLING AND REUSE OF WASTE TIRES; PROVIDING <—
10 FOR THE PROPER DISPOSAL OF WASTE TIRES AND THE CLEANUP OF
11 STOCKPILED TIRES; AUTHORIZING INVESTMENT TAX CREDITS FOR
12 UTILIZING WASTE TIRES; AND PROVIDING REMEDIATION GRANTS FOR
13 THE CLEANUP OF TIRE PILES.

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2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 ~~Section 1. Short title.~~ <—

5 ~~This act shall be known and may be cited as the Waste Tire
6 Recycling Act.~~

7 ~~Section 2. Legislative findings.~~

8 ~~The General Assembly finds and declares as follows:~~

9 ~~(1) An estimated 36,000,000 waste tires are stockpiled
10 in Pennsylvania.~~

11 ~~(2) Waste tires and stockpiled tires continue to be an
12 environmental threat to this Commonwealth.~~

13 ~~(3) Approximately 12,000,000 waste tires are generated
14 in Pennsylvania each year.~~

15 ~~(4) Stockpiled tires create environmental hazards such
16 as tire fires and heavy mosquito infestations.~~

17 ~~(5) Landfilled whole tires and tire piles use valuable
18 and productive land space.~~

19 ~~(6) Financial incentives need to be created to help
20 stimulate waste tire markets.~~

21 ~~Section 3. Purpose.~~

22 ~~It is the purpose of this act:~~

23 ~~(1) To ensure that whole used and waste tires are
24 collected and put to beneficial use or properly disposed.~~

25 ~~(2) To provide for the abatement of whole used and waste
26 tire dumps and their associated threats to public health and
27 welfare.~~

28 ~~(3) To encourage qualified investments by private
29 companies to rehabilitate, expand or improve manufacturing
30 processes, facilities, buildings and land to promote the use~~

1 ~~and recycling of waste tires.~~

2 ~~(4) To reuse the current supply of waste tires generated~~
3 ~~each year in this Commonwealth.~~

4 ~~Section 4. Definitions.~~

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

8 ~~"Department." The Department of Environmental Resources of~~
9 ~~the Commonwealth.~~

10 ~~"Disposal." The placement of whole used waste tires into or~~
11 ~~on any land or water except as an integral part of systematic~~
12 ~~reuse or conversion.~~

13 ~~"Generator." An individual or business that accepts whole~~
14 ~~used or waste tires for storage, a new or used tire retailer,~~
15 ~~wholesaler, manufacturer, retreader, fleet operator or~~
16 ~~automotive dismantler.~~

17 ~~"Landfill." A facility using land for disposing of municipal~~
18 ~~solid waste.~~

19 ~~"Manifest system." A written record identifying the~~
20 ~~quantity, origin, routing and destination from the point of~~
21 ~~origin to the point of storage, processing or disposal.~~

22 ~~"Priority site." Any site designated by the Department of~~
23 ~~Environmental Resources to contain more than 100,000 stockpiled~~
24 ~~tires.~~

25 ~~"Processed tire." A whole used or waste tire that has been~~
26 ~~altered or converted through shredding, chopping or splitting.~~

27 ~~"Processor." An individual or business that alters or~~
28 ~~converts whole used or waste tires through shredding, chopping~~
29 ~~or splitting.~~

30 ~~"Recycling." The systematic collection, sorting, cleaning~~

1 ~~and returning of waste tires to commerce for use as commodities.~~

2 ~~"Retailer." A person or business that sells or offers for~~
3 ~~sale new, retreaded or remanufactured tires to consumers.~~

4 ~~"Storage." The accumulation of whole used tires or processed~~
5 ~~tires that does not constitute disposal. At a minimum, the~~
6 ~~accumulation must be an integral part of the systematic~~
7 ~~alteration, reuse, processing or conversion of waste tires.~~

8 ~~"Waste reduction, reuse or recycling equipment." Machinery,~~
9 ~~equipment or facility modification designed to process or~~
10 ~~convert waste tires into a beneficial product or productive use.~~

11 ~~"Waste tire." A scrap tire that has been disposed of and can~~
12 ~~no longer be used for the purpose for which it was originally~~
13 ~~intended.~~

14 ~~"Waste tire hauler." A registered individual or company that~~
15 ~~collects or transports whole used or waste tires or processed~~
16 ~~tires for storage, processing or disposal.~~

17 ~~"Waste tire storage facility." A registered facility at~~
18 ~~which whole used or waste tires or processed tires are collected~~
19 ~~and stored for future use as a material for recycling, reuse or~~
20 ~~recovery.~~

21 ~~Section 5. Powers and duties of department.~~

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

23 ~~(1) Administer the whole used or waste tire management~~
24 ~~program pursuant to the provisions of this act.~~

25 ~~(2) Consult with the Department of Revenue concerning~~
26 ~~matters of tax credit disbursements.~~

27 ~~(3) Cooperate with local units of government and~~
28 ~~appropriate private businesses in carrying out the duties of~~
29 ~~this act.~~

30 ~~(4) Regulate the storage, collection, transportation,~~

1 ~~processing and use of waste tires.~~

2 ~~(5) Issue registrations and specify terms and conditions~~
3 ~~of such registration and conduct inspections of and abate~~
4 ~~public nuisances and hazards to implement the purposes and~~
5 ~~standards adopted pursuant to this act.~~

6 ~~Section 6. Disposal of whole waste tires.~~

7 ~~(a) Mixing tires with municipal waste prohibited. No person~~
8 ~~shall knowingly mix any whole used or waste tires with municipal~~
9 ~~solid waste for disposal, and owners or operators of sanitary~~
10 ~~landfills shall not accept whole used or waste tires for final~~
11 ~~disposal.~~

12 ~~(b) Exceptions. Sanitary landfills may accept whole tires~~
13 ~~when:~~

14 ~~(1) The landfill provides and maintains a means for~~
15 ~~shredding, chopping or splitting whole used or waste tires~~
16 ~~prior to disposal.~~

17 ~~(2) The landfill uses the whole used or waste tires for~~
18 ~~alternative uses, which may include onsite practices such as~~
19 ~~lining of roadways with waste tires, alternative daily~~
20 ~~landfill cover or use in a landfill leachate collection~~
21 ~~system.~~

22 ~~(3) The landfill makes available the whole used or waste~~
23 ~~tires to an appropriate facility for reuse, processing or use~~
24 ~~as an alternative energy fuel source.~~

25 ~~(c) Notice to department. Landfills that make available~~
26 ~~whole used or waste tires to an appropriate facility for reuse,~~
27 ~~recycling or processing or as an alternative fuel source shall~~
28 ~~notify the department within 30 days of the date the whole used~~
29 ~~or waste tires are made available to the appropriate facility.~~
30 ~~Notification shall include information regarding the following:~~

1 ~~(1) The name and address of the facility owner and~~
2 ~~operator.~~

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

4 ~~(3) The type of operation using the whole used or waste~~
5 ~~tires.~~

6 ~~(4) The date of shipment.~~

7 ~~(5) The number of whole used and waste tires made~~
8 ~~available.~~

9 Section 7. ~~Generator registration.~~

10 ~~(a) Businesses which are required to register. An~~
11 ~~individual or business that regularly disposes of whole used or~~
12 ~~waste tires is designated as a waste tire generator and shall~~
13 ~~register with the department. Registration with the department~~
14 ~~as a waste tire generator may include the following:~~

15 ~~(1) The name of the individual or business.~~

16 ~~(2) The mailing address and physical address of the~~
17 ~~individual or business.~~

18 ~~(3) The county in which the individual or business is~~
19 ~~located.~~

20 ~~(4) The tax identification number of the business.~~

21 ~~(b) Registration number. The department shall issue~~
22 ~~registration numbers for each waste tire generator.~~

23 ~~(c) Changes in original registration information. The~~
24 ~~generator shall notify the department within 15 days of any~~
25 ~~changes to registration information.~~

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

30 ~~(e) Registration fee. An annual registration fee of \$50 is~~

1 ~~required for each waste tire generator.~~

2 ~~(f) Uses of used or waste tires. Registered generators of~~
3 ~~whole used or waste tires shall make available the whole used or~~
4 ~~waste tires to an appropriate facility for reuse or as an~~
5 ~~alternative fuel source.~~

6 ~~Section 8. Transporter registration.~~

7 ~~(a) Businesses which are required to register. An~~
8 ~~individual or recycling business other than a generator that~~
9 ~~regularly transports whole used or waste tires or waste tire~~
10 ~~pieces for reuse, storage or disposal is designated as a waste~~
11 ~~tire hauler and shall register with the department. Registration~~
12 ~~with the department may include the following:~~

13 ~~(1) The name, physical address, mailing address, county~~
14 ~~and telephone number of the applicant.~~

15 ~~(2) The name, address and telephone number of any~~
16 ~~partner, officer or director.~~

17 ~~(3) Description of vehicles and all relative vehicle~~
18 ~~registration information.~~

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

20 ~~(5) The business identification number.~~

21 ~~(b) Registration number. The department shall issue~~
22 ~~registration numbers for each waste tire hauler.~~

23 ~~(c) Changes in original registration information. The~~
24 ~~hauler shall notify the department within 15 days of any changes~~
25 ~~to registration information.~~

26 ~~(d) Annual renewal of registration. Registration for waste~~
27 ~~tire haulers is required to be renewed annually. Registration~~
28 ~~expiration and renewal shall be determined by the department.~~

29 ~~(e) Registration fee. An annual registration fee of \$25 is~~
30 ~~required for each waste tire hauler.~~

1 ~~(f) Delivery and storage of used or waste tires. Registered~~
2 ~~haulers of whole used or waste tires or processed tires shall~~
3 ~~only deliver whole used or waste tires or processed tires to a~~
4 ~~registered storage facility or registered processor.~~

5 ~~(g) Uses of used or waste tires. Registered haulers of~~
6 ~~whole used or waste tires or processed tires shall make~~
7 ~~available the used tires or processed tires to an appropriate~~
8 ~~facility for reuse or use as an alternative fuel source.~~

9 ~~Section 9. Processor registration.~~

10 ~~(a) Businesses which are required to register. An~~
11 ~~individual or business that regularly engages in the practice of~~
12 ~~altering or converting whole used or waste tires through~~
13 ~~shredding, chopping or splitting for resale is designated as a~~
14 ~~waste tire processor and shall register with the department.~~
15 ~~Registration with the department as a waste tire processor may~~
16 ~~include the following:~~

17 ~~(1) The name of the individual or business.~~

18 ~~(2) The address or physical location of the individual~~
19 ~~or business.~~

20 ~~(3) The county in which the individual or business is~~
21 ~~located.~~

22 ~~(4) The tax identification number of the business.~~

23 ~~(b) Annual renewal of registration. Registration for waste~~
24 ~~tire processors is required to be renewed annually. Registration~~
25 ~~expiration and renewal shall be determined by the department.~~

26 ~~(c) Uses of processed tires. Waste tire processors shall~~
27 ~~make available the processed tires to an appropriate facility~~
28 ~~for reuse, recycling or use as an alternative fuel source.~~

29 ~~Section 10. Site storage registration and standards.~~

30 ~~(a) Businesses which are required to register. Any open~~

1 ~~land or enclosed area used for the regular collection of whole~~
2 ~~used or waste tires or processed tires shall be considered a~~
3 ~~waste tire storage facility and shall be registered with the~~
4 ~~department in accordance with section 7(a). Storage of whole~~
5 ~~used or waste tires or waste tire pieces shall be considered a~~
6 ~~temporary means of holding such tires.~~

7 ~~(b) Department to regulate certain standards of facility.~~
8 ~~The department shall prescribe standards and requirements for~~
9 ~~the storage of whole used or waste tires, processed tires and~~
10 ~~tire derived materials, including, but not limited to,~~
11 ~~restrictions on the size and location of waste tire storage~~
12 ~~sites, access controls, vector controls and fire hazard~~
13 ~~prevention.~~

14 ~~(c) Changes in original registration information. The~~
15 ~~storage facility shall notify the department within 15 days of~~
16 ~~any changes to registration information.~~

17 ~~(d) Registration number. The department shall issue~~
18 ~~registration numbers for each site storage.~~

19 ~~(e) Annual renewal of registration. Registration for whole~~
20 ~~used or waste tire storage facilities is required to be renewed~~
21 ~~annually. Registration expiration and renewal shall be~~
22 ~~determined by the department.~~

23 ~~(f) Uses of used or waste tires. Facilities that store~~
24 ~~whole used or waste tires or processed tires shall make~~
25 ~~available the whole used or waste tires or processed tires to an~~
26 ~~appropriate facility for reuse, recycling or use as an~~
27 ~~alternative fuel source.~~

28 ~~Section 11. Manifest system.~~

29 ~~(a) Documentation and recordkeeping of generators.~~
30 ~~Generators shall initiate and maintain a record of the whole~~

1 ~~used or waste tires collected and removed offsite. The record~~
2 ~~shall be in the form of a manifest or similar documentation~~
3 ~~approved by the department. The manifest shall contain the~~
4 ~~following:~~

5 ~~(1) Name and address of the individual or business that~~
6 ~~generated the whole used or waste tires.~~

7 ~~(2) The generator's registration number.~~

8 ~~(3) Date of tire shipment.~~

9 ~~(4) Name and registration number of the hauler.~~

10 ~~(5) Number of tires or weight in pounds and the type of~~
11 ~~whole used or waste tires collected.~~

12 ~~(6) Signatures of generator and hauler acknowledging~~
13 ~~that the manifest information is correct.~~

14 ~~(7) Name, address or location of registered disposal,~~
15 ~~storage, processing or recycling facility to receive the~~
16 ~~waste tire shipment.~~

17 ~~(b) Documentation and recordkeeping of haulers. Waste tire~~
18 ~~haulers shall maintain a record of the transported whole used or~~
19 ~~waste tires or processed tires. The record shall be in the form~~
20 ~~of a manifest or similar documentation approved by the~~
21 ~~department. The manifest shall contain the information outlined~~
22 ~~in subsection (a).~~

23 ~~(c) Documentation and recordkeeping by facility operators.~~
24 ~~Owners and operators of storage facilities shall maintain a~~
25 ~~record of the whole used or waste tires or processed tires~~
26 ~~received from the hauler. The record shall be in the form of a~~
27 ~~manifest or similar documentation approved by the department.~~
28 ~~The manifest shall contain the information outlined in~~
29 ~~subsection (a).~~

30 ~~(d) Documentation and recordkeeping by processors. Waste~~

1 ~~tire processors shall maintain a record of the whole used or~~
2 ~~waste tires received for processing. The record shall be in the~~
3 ~~form of a manifest or similar documentation approved by the~~
4 ~~department. The manifest shall contain the information outlined~~
5 ~~in subsection (a).~~

6 ~~(c) Records to be retained for three year minimum. All~~
7 ~~manifest records shall be retained by the generator, hauler,~~
8 ~~processor and storage facility owner or operator for a period of~~
9 ~~three years. Manifest records shall be made available to the~~
10 ~~department upon request.~~

11 ~~(f) Transporters shall be registered. All waste tire~~
12 ~~storage facilities, generators and processors of whole used or~~
13 ~~waste tires that do not transport their own tires shall use~~
14 ~~waste tire haulers that are registered with the department under~~
15 ~~section 8.~~

16 ~~Section 12. Priority enforcement list.~~

17 ~~(a) Development of list of waste tire sites. Within 90 days~~
18 ~~of the effective date of this act, the department shall identify~~
19 ~~and develop a Statewide list of waste tire sites with more than~~
20 ~~100,000 waste tires known or estimated to be stockpiled. The~~
21 ~~department shall rank the waste tire sites according to their~~
22 ~~potential for creating environmental health and safety hazards~~
23 ~~and designate these sites as priority sites to those facilities~~
24 ~~requesting tax investment credits under section 14.~~

25 ~~(b) Maintenance of updated list. The department shall~~
26 ~~review and update the priority enforcement list every two years.~~
27 ~~Section 13. Penalties.~~

28 ~~(a) Suspension of registration. The department may suspend,~~
29 ~~revoke or deny any registration issued under this act for a~~
30 ~~specified length of time to be determined by the department for:~~

1 ~~(1) Failure to maintain a complete and accurate record~~
2 ~~of collection, shipment and storage of whole used or waste~~
3 ~~tires.~~

4 ~~(2) Alteration of manifest documents.~~

5 ~~(3) Delivery of whole used or waste tires or processed~~
6 ~~tires to a nonregistered storage facility.~~

7 ~~(4) Failure to comply with any rule or regulation~~
8 ~~established by the department under this act.~~

9 ~~(5) Illegal dumping of whole used or waste tires or~~
10 ~~processed tires.~~

11 ~~(6) Collection, transportation or storage of whole used~~
12 ~~or waste tires or processed tires without registration~~
13 ~~numbers.~~

14 ~~(7) Failure to notify the department of any changes in~~
15 ~~the registration information required in sections 7(a) and~~
16 ~~8(a).~~

17 ~~(b) Additional penalty for first violation. For the first~~
18 ~~violation, a person commits a summary offense and shall, upon~~
19 ~~conviction, be sentenced to pay a fine of not less than \$100 and~~
20 ~~not more than \$1,000, or be subject to imprisonment for not more~~
21 ~~than 30 days, or both.~~

22 ~~(c) Additional penalty for subsequent violations. For the~~
23 ~~second and any subsequent violations, a person commits a~~
24 ~~misdemeanor of the third degree and shall, upon conviction, be~~
25 ~~sentenced to pay a fine of not less than \$1,000 and not more~~
26 ~~than \$5,000, or be subject to imprisonment for not more than 90~~
27 ~~days, or both.~~

28 ~~Section 14. Investment tax credits for equipment for reducing,~~
29 ~~reusing or recycling whole used or waste tires.~~

30 ~~(a) Equipment purchase, retrofitting or expansion of~~

1 ~~facilities tax credit. Beginning with tax years beginning on or~~
2 ~~after January 1, 1995, every taxpayer engaged in the business of~~
3 ~~reducing, reusing or recycling whole used or waste tires for~~
4 ~~commercial purposes that purchases waste reduction, reuse or~~
5 ~~recycling equipment or retrofits existing facilities for the~~
6 ~~purpose of reducing the number of whole used or waste tires or~~
7 ~~reusing or recycling whole used or waste tires or makes a~~
8 ~~qualified investment to rehabilitate, expand or improve~~
9 ~~buildings for the purpose of reducing, reusing or recycling~~
10 ~~whole used or waste tires shall receive an investment tax credit~~
11 ~~equal to 30% of the cost of the waste reduction, reuse or~~
12 ~~recycling equipment or infrastructure investments.~~

13 ~~(b) New business tax credit. Beginning with tax years~~
14 ~~beginning on or after January 1, 1995, every new business~~
15 ~~created for the purpose of reducing, reusing or recycling whole~~
16 ~~used or waste tires for commercial purposes that purchases waste~~
17 ~~reduction, reuse or recycling equipment or makes qualified~~
18 ~~infrastructure investments for the purposes of waste tire~~
19 ~~reduction, reuse or recycling shall receive an investment tax~~
20 ~~credit equal to 5% of the equipment or infrastructure~~
21 ~~investments.~~

22 ~~(c) Certification from department required. To claim credit~~
23 ~~under this section, a taxpayer must obtain certification from~~
24 ~~the department certifying to the Department of Revenue all of~~
25 ~~the following:~~

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

28 ~~(2) The equipment purchased or infrastructure investment~~
29 ~~is for the purpose of whole used or waste tire reduction,~~
30 ~~reuse or recycling.~~

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

6 ~~(d) Continuing tax credits. For the years following the~~
7 ~~first year a taxpayer or business receives an investment tax~~
8 ~~credit under subsection (a) or (b), an investment tax credit of~~
9 ~~10% of the cost of the waste reduction, reuse or recycling~~
10 ~~equipment or infrastructure investments shall be allowed for~~
11 ~~each year in which a taxpayer engaged in the business of whole~~
12 ~~used or waste tire reduction, reuse or recycling demonstrates at~~
13 ~~least 25% of the waste tires processed were collected from~~
14 ~~priority tire sites as designated by the department.~~

15 ~~(e) Limitation. The dollar amount made available through~~
16 ~~the Department of Revenue in each calendar year for tax credits~~
17 ~~shall not exceed \$2,000,000.~~

18 ~~(f) Determination of distribution. If the requests for tax~~
19 ~~investment credits under subsection (a) or (b) exceeds~~
20 ~~\$2,000,000 during any calendar year, the department shall~~
21 ~~determine which taxpayers engaged in the business of whole used~~
22 ~~or waste tire reduction, reuse or recycling shall receive the~~
23 ~~investment tax credits.~~

24 ~~(g) Sunset. The investment tax credits under subsection (a)~~
25 ~~or (b) shall expire within three years of the effective date of~~
26 ~~this act.~~

27 ~~(h) Computation to exclude certain costs. The cost of~~
28 ~~feasibility studies or equipment used to service the waste~~
29 ~~reduction, reuse or recycling equipment shall not be used to~~
30 ~~compute tax credits.~~

1 ~~Section 15. Report to the General Assembly.~~

2 ~~The department shall submit a report to the General Assembly~~
3 ~~concerning the implementation of this act, the success of the~~
4 ~~waste tire registration and manifest system and the reduction of~~
5 ~~stockpiled waste tires not later than three years after the~~
6 ~~implementation of this act.~~

7 ~~Section 16. Effective date.~~

8 ~~This act shall take effect immediately.~~

9 SECTION 1. SHORT TITLE. ←

10 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE WASTE TIRE
11 RECYCLING ACT.

12 SECTION 2. LEGISLATIVE FINDINGS.

13 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

14 (1) AN ESTIMATED 36,000,000 WASTE TIRES ARE STOCKPILED
15 IN PENNSYLVANIA.

16 (2) WASTE TIRES AND STOCKPILED TIRES CONTINUE TO BE AN
17 ENVIRONMENTAL THREAT TO THIS COMMONWEALTH.

18 (3) APPROXIMATELY 12,000,000 WASTE TIRES ARE GENERATED
19 IN PENNSYLVANIA EACH YEAR.

20 (4) STOCKPILED TIRES CREATE ENVIRONMENTAL HAZARDS SUCH
21 AS TIRE FIRES AND HEAVY MOSQUITO INFESTATIONS.

22 (5) LANDFILLED WHOLE TIRES AND TIRE PILES USE VALUABLE
23 AND PRODUCTIVE LAND SPACE.

24 (6) FINANCIAL INCENTIVES NEED TO BE CREATED TO HELP
25 STIMULATE WASTE TIRE MARKETS.

26 SECTION 3. PURPOSE.

27 IT IS THE PURPOSE OF THIS ACT:

28 (1) TO ENSURE THAT WHOLE USED AND WASTE TIRES ARE
29 COLLECTED AND PUT TO BENEFICIAL USE OR PROPERLY DISPOSED.

30 (2) TO PROVIDE FOR THE ABATEMENT OF WHOLE USED AND WASTE

1 TIRE DUMPS AND THEIR ASSOCIATED THREATS TO PUBLIC HEALTH AND
2 WELFARE.

3 (3) TO ENCOURAGE QUALIFIED INVESTMENTS BY PRIVATE
4 COMPANIES TO REHABILITATE, EXPAND OR IMPROVE MANUFACTURING
5 PROCESSES, FACILITIES, BUILDINGS AND LAND TO PROMOTE THE USE
6 AND RECYCLING OF WASTE TIRES.

7 (4) TO REUSE THE CURRENT SUPPLY OF WASTE TIRES GENERATED
8 EACH YEAR IN THIS COMMONWEALTH.

9 SECTION 4. DEFINITIONS.

10 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
11 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
12 CONTEXT CLEARLY INDICATES OTHERWISE:

13 "COMMONWEALTH AGENCY." THE COMMONWEALTH AND ITS DEPARTMENTS,
14 BOARDS, COMMISSIONS AND AGENCIES, COMMONWEALTH-OWNED
15 UNIVERSITIES AND THE STATE PUBLIC SCHOOL BUILDING AUTHORITY AND
16 ANY OTHER AUTHORITY NOW IN EXISTENCE OR HEREAFTER CREATED OR
17 ORGANIZED BY THE COMMONWEALTH.

18 "DEPARTMENT." THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF
19 THE COMMONWEALTH.

20 "DISPOSAL." THE DUMPING, SPILLING OR PLACING OF WHOLE USED
21 OR WASTE TIRES INTO OR ON THE LAND OR WATER IN A MANNER THAT THE
22 TIRES OR A CONSTITUENT OF THE TIRES ENTERS THE ENVIRONMENT.

23 "LANDFILL." A FACILITY USING LAND FOR DISPOSING OF SOLID
24 WASTE.

25 "PERSON." ANY INDIVIDUAL, PARTNERSHIP, CORPORATION,
26 ASSOCIATION, INSTITUTION, COOPERATIVE ENTERPRISE, MUNICIPAL
27 AUTHORITY, FEDERAL GOVERNMENT OR AGENCY, STATE INSTITUTION AND
28 AGENCY, INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF GENERAL
29 SERVICES AND THE STATE PUBLIC SCHOOL BUILDING AUTHORITY, OR ANY
30 OTHER LEGAL ENTITY WHATSOEVER WHICH IS RECOGNIZED BY LAW AS THE

1 SUBJECT OF RIGHTS AND DUTIES. IN ANY PROVISIONS OF THIS ACT
2 PRESCRIBING A FINE, IMPRISONMENT OR PENALTY, OR ANY COMBINATION
3 OF THE FOREGOING, THE TERM "PERSON" SHALL INCLUDE THE OFFICERS
4 AND DIRECTORS OF ANY CORPORATION OR OTHER LEGAL ENTITY HAVING
5 OFFICERS AND DIRECTORS.

6 "PRIORITY SITE." ANY SITE DESIGNATED BY THE DEPARTMENT OF
7 ENVIRONMENTAL PROTECTION TO CONTAIN MORE THAN 10,000 STOCKPILED
8 TIRES.

9 "RECYCLING." THE SYSTEMATIC COLLECTION, SORTING, CLEANING
10 AND RETURNING OF WASTE TIRES TO COMMERCE FOR USE AS COMMODITIES.

11 "WASTE REDUCTION, REUSE OR RECYCLING EQUIPMENT." MACHINERY,
12 EQUIPMENT OR FACILITY MODIFICATION DESIGNED TO PROCESS OR
13 CONVERT WASTE TIRES INTO A BENEFICIAL PRODUCT OR PRODUCTIVE USE.

14 "WASTE TIRE." A TIRE THAT WILL NO LONGER BE USED FOR THE
15 PURPOSE FOR WHICH IT WAS ORIGINALLY INTENDED.

16 SECTION 5. POWERS AND DUTIES OF DEPARTMENT.

17 THE DEPARTMENT SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO:

18 (1) ADMINISTER THE WHOLE USED OR WASTE TIRE MANAGEMENT
19 PROGRAM PURSUANT TO THE PROVISIONS OF THIS ACT.

20 (2) CONSULT WITH THE DEPARTMENT OF REVENUE CONCERNING
21 MATTERS OF TAX CREDIT DISBURSEMENTS.

22 (3) COOPERATE WITH LOCAL UNITS OF GOVERNMENT AND
23 APPROPRIATE PRIVATE BUSINESSES IN CARRYING OUT THE DUTIES OF
24 THIS ACT.

25 (4) REGULATE THE DISPOSAL OF WASTE TIRES.

26 SECTION 6. DISPOSAL OF WHOLE WASTE TIRES.

27 (A) LANDFILL DISPOSAL PROHIBITED.--NO PERSON SHALL KNOWINGLY
28 MIX ANY WHOLE USED OR WASTE TIRES WITH SOLID WASTE FOR DISPOSAL.
29 OWNERS OR OPERATORS OF LANDFILLS SHALL NOT ACCEPT WHOLE USED OR
30 WASTE TIRES FOR DISPOSAL. NOTHING IN THIS SECTION SHALL PROHIBIT

1 THE DISPOSAL AT LANDFILLS OF OCCASIONAL WHOLE USED OR WASTE
2 TIRES UNKNOWINGLY AND INADVERTENTLY MIXED WITH SOLID WASTE.

3 (B) EXCEPTIONS.--LANDFILLS MAY ACCEPT WHOLE TIRES WHEN:

4 (1) THE LANDFILL PROVIDES FOR SHREDDING, CHOPPING OR
5 SPLITTING OF WHOLE USED OR WASTE TIRES PRIOR TO DISPOSAL;

6 (2) THE LANDFILL USES THE WHOLE USED OR WASTE TIRES FOR
7 ALTERNATIVE USES, WHICH MAY INCLUDE ONSITE USES SUCH AS
8 LINING OF ROADWAYS WITH WASTE TIRES, USE IN LANDFILL
9 CONSTRUCTION AS LINER PROTECTION, ALTERNATIVE DAILY LANDFILL
10 COVER, USE IN A LANDFILL LEACHATE COLLECTION SYSTEM OR AS
11 OTHERWISE PROVIDED FOR BY REGULATION; OR

12 (3) THE LANDFILL MAKES AVAILABLE THE WHOLE USED OR WASTE
13 TIRES TO AN APPROPRIATE FACILITY FOR REUSE, RECYCLING OR USE
14 AS AN ALTERNATIVE FUEL SOURCE.

15 (C) WRITTEN MANAGEMENT PLAN.--LANDFILLS THAT ACCEPT WHOLE
16 USED OR WASTE TIRES SHALL PREPARE AND IMPLEMENT A WRITTEN PLAN
17 THAT ADDRESSES THE MANAGEMENT OF WASTE TIRES. THE PLAN SHALL, AT
18 A MINIMUM, CONSIST OF THE FOLLOWING:

19 (1) PROCEDURES FOR NOTIFYING TRANSPORTERS OF SOLID WASTE
20 TO THE LANDFILL OF THE EXISTENCE AND PURPOSE OF THE WASTE
21 TIRE MANAGEMENT PROGRAM.

22 (2) PROCEDURES FOR DISTRIBUTING INFORMATION REGARDING
23 ALTERNATIVE MANAGEMENT METHODS FOR WASTE TIRES OR PROCESSED
24 TIRES.

25 (D) NOTICE TO DEPARTMENT.--LANDFILLS THAT TRANSFER WHOLE
26 USED OR WASTE TIRES TO AN APPROPRIATE FACILITY FOR REUSE,
27 RECYCLING OR PROCESSING OR AS AN ALTERNATIVE FUEL SOURCE SHALL
28 SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT. NOTIFICATION SHALL
29 INCLUDE INFORMATION REGARDING THE FOLLOWING:

30 (1) THE NAME AND ADDRESS OF THE FACILITY OWNER AND

1 OPERATOR TO WHICH WASTE TIRES ARE TRANSFERRED.

2 (2) THE NAME, ADDRESS AND LOCATION OF THE FACILITY.

3 (3) THE TYPE OF OPERATION USING THE WHOLE USED OR WASTE
4 TIRES.

5 (4) THE DATES OF SHIPMENTS OR TRANSFERS.

6 (5) THE NUMBER OF WHOLE USED AND WASTE TIRES OR THE
7 VOLUME OR WEIGHT OF PROCESSED TIRES TRANSFERRED.

8 SECTION 7. PRIORITY ENFORCEMENT LIST.

9 (A) DEVELOPMENT OF LIST OF WASTE TIRE SITES.--WITHIN 90 DAYS
10 OF THE EFFECTIVE DATE OF THIS ACT, THE DEPARTMENT SHALL IDENTIFY
11 AND DEVELOP A STATEWIDE LIST OF WASTE TIRE SITES WITH MORE THAN
12 10,000 WASTE TIRES KNOWN OR ESTIMATED TO BE STOCKPILED. THE
13 DEPARTMENT SHALL RANK THE WASTE TIRE SITES ACCORDING TO THEIR
14 POTENTIAL FOR CREATING ENVIRONMENTAL HEALTH AND SAFETY HAZARDS
15 AND DESIGNATE THESE SITES AS PRIORITY SITES TO THOSE FACILITIES
16 REQUESTING TAX INVESTMENT CREDITS UNDER SECTION 9.

17 (B) MAINTENANCE OF UPDATED LIST.--THE DEPARTMENT SHALL
18 REVIEW AND UPDATE THE PRIORITY ENFORCEMENT LIST EVERY TWO YEARS.

19 SECTION 8. PENALTIES.

20 (A) PENALTY FOR FIRST VIOLATION.--FOR THE FIRST VIOLATION, A
21 PERSON COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
22 SENTENCED TO PAY A FINE OF NOT LESS THAN \$100 AND NOT MORE THAN
23 \$1,000 PER VIOLATION, OR BE SUBJECT TO IMPRISONMENT FOR NOT MORE
24 THAN 30 DAYS, OR BOTH.

25 (B) ADDITIONAL PENALTY FOR SUBSEQUENT VIOLATIONS.--FOR THE
26 SECOND AND ANY SUBSEQUENT VIOLATIONS, A PERSON COMMITS A
27 MISDEMEANOR OF THE THIRD DEGREE AND SHALL, UPON CONVICTION, BE
28 SENTENCED TO PAY A FINE OF NOT LESS THAN \$1,000 AND NOT MORE
29 THAN \$5,000 PER VIOLATION, OR BE SUBJECT TO IMPRISONMENT FOR NOT
30 MORE THAN 90 DAYS, OR BOTH.

1 SECTION 9. INVESTMENT TAX CREDITS FOR EQUIPMENT FOR REDUCING,
2 REUSING OR RECYCLING WHOLE USED OR WASTE TIRES.

3 (A) EQUIPMENT PURCHASE, RETROFITTING OR EXPANSION OF
4 FACILITIES TAX CREDIT.--BEGINNING WITH TAX YEARS BEGINNING ON OR
5 AFTER JANUARY 1, 1994, EVERY TAXPAYER ENGAGED IN THE BUSINESS OF
6 REDUCING, REUSING OR RECYCLING WHOLE USED OR WASTE TIRES THAT
7 PURCHASES WASTE REDUCTION, REUSE OR RECYCLING EQUIPMENT OR
8 RETROFITS EXISTING FACILITIES FOR THE PURPOSE OF REDUCING THE
9 NUMBER OF WHOLE USED OR WASTE TIRES OR REUSING OR RECYCLING
10 WHOLE USED OR WASTE TIRES OR MAKES A QUALIFIED INVESTMENT TO
11 REHABILITATE, EXPAND OR IMPROVE BUILDINGS FOR THE PURPOSE OF
12 REDUCING, REUSING OR RECYCLING WHOLE USED OR WASTE TIRES FOR
13 WHICH AN END MARKET EXISTS SHALL RECEIVE AN INVESTMENT TAX
14 CREDIT EQUAL TO 30% OF THE COST OF THE WASTE REDUCTION, REUSE OR
15 RECYCLING EQUIPMENT OR INFRASTRUCTURE INVESTMENTS.

16 (B) NEW BUSINESS TAX CREDIT.--BEGINNING WITH TAX YEARS
17 BEGINNING ON OR AFTER JANUARY 1, 1994, EVERY NEW BUSINESS
18 CREATED FOR THE PURPOSE OF REDUCING, REUSING OR RECYCLING WHOLE
19 USED OR WASTE TIRES WHICH PURCHASES WASTE REDUCTION, REUSE OR
20 RECYCLING EQUIPMENT OR MAKES QUALIFIED INFRASTRUCTURE
21 INVESTMENTS FOR THE PURPOSES OF WASTE TIRE REDUCTION, REUSE OR
22 RECYCLING FOR WHICH AN END MARKET EXISTS SHALL RECEIVE AN
23 INVESTMENT TAX CREDIT EQUAL TO 5% OF THE EQUIPMENT OR
24 INFRASTRUCTURE INVESTMENTS.

25 (C) CERTIFICATION FROM DEPARTMENT REQUIRED.--TO CLAIM CREDIT
26 UNDER THIS SECTION, A TAXPAYER MUST OBTAIN CERTIFICATION FROM
27 THE DEPARTMENT CERTIFYING TO THE DEPARTMENT OF REVENUE ALL OF
28 THE FOLLOWING:

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

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

4 (3) THE TAXPAYER ENGAGED IN THE BUSINESS OF WHOLE USED
5 OR WASTE TIRE REDUCTION, REUSE OR RECYCLING MUST DEMONSTRATE
6 THAT AT LEAST 10% OF THE WHOLE USED OR WASTE TIRES PROCESSED
7 EACH YEAR WERE COLLECTED FROM PRIORITY TIRE SITES AS
8 IDENTIFIED BY THE DEPARTMENT.

9 (D) CONTINUING TAX CREDITS.--FOR THE YEARS FOLLOWING THE
10 FIRST YEAR A TAXPAYER OR BUSINESS RECEIVES AN INVESTMENT TAX
11 CREDIT UNDER SUBSECTION (A) OR (B), AN INVESTMENT TAX CREDIT OF
12 10% OF THE COST OF THE WASTE REDUCTION, REUSE OR RECYCLING
13 EQUIPMENT OR INFRASTRUCTURE INVESTMENTS SHALL BE ALLOWED FOR
14 EACH YEAR IN WHICH A TAXPAYER ENGAGED IN THE BUSINESS OF WHOLE
15 USED OR WASTE TIRE REDUCTION, REUSE OR RECYCLING DEMONSTRATES AT
16 LEAST 25% OF THE WASTE TIRES PROCESSED WERE COLLECTED FROM
17 PRIORITY TIRE SITES AS DESIGNATED BY THE DEPARTMENT.

18 (E) LIMITATION.--THE DOLLAR AMOUNT MADE AVAILABLE THROUGH
19 THE DEPARTMENT OF REVENUE IN EACH CALENDAR YEAR FOR TAX CREDITS
20 SHALL NOT EXCEED \$2,000,000.

21 (F) DETERMINATION OF DISTRIBUTION.--IF THE REQUESTS FOR TAX
22 INVESTMENT CREDITS UNDER SUBSECTION (A) OR (B) EXCEEDS
23 \$2,000,000 DURING ANY CALENDAR YEAR, THE DEPARTMENT SHALL
24 DETERMINE WHICH TAXPAYERS ENGAGED IN THE BUSINESS OF WHOLE USED
25 OR WASTE TIRE REDUCTION, REUSE OR RECYCLING SHALL RECEIVE THE
26 INVESTMENT TAX CREDITS.

27 (G) SUNSET.--THE INVESTMENT TAX CREDITS UNDER SUBSECTION (A)
28 OR (B) SHALL EXPIRE WITHIN THREE YEARS OF THE EFFECTIVE DATE OF
29 THIS ACT.

30 (H) COMPUTATION TO EXCLUDE CERTAIN COSTS.--THE COST OF

1 FEASIBILITY STUDIES OR EQUIPMENT USED TO SERVICE THE WASTE
2 REDUCTION, REUSE OR RECYCLING EQUIPMENT SHALL NOT BE USED TO
3 COMPUTE TAX CREDITS.

4 SECTION 10. TRANSFER OF FUNDS.

5 (A) GENERAL RULE.--THE SUM OF \$1,000,000 SHALL BE
6 TRANSFERRED ON AN ANNUAL BASIS FOR A PERIOD NOT TO EXCEED FIVE
7 CONSECUTIVE YEARS FROM THE RECYCLING FUND CREATED BY SECTION 706
8 OF THE ACT OF JULY 28, 1988 (P.L.556, NO.101), KNOWN AS THE
9 MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION ACT, TO
10 THE WASTE TIRE PILE REMEDIATION FUND CREATED BY SECTION 11 FOR
11 THE PURPOSE OF IMPLEMENTING THIS ACT.

12 (B) SCHEDULE.--THE FIRST TRANSFER OF FUNDS SHALL BE MADE 90
13 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT. SUBSEQUENT TRANSFERS
14 OF FUNDS SHALL OCCUR ON THE FIRST DAY OF JANUARY.

15 SECTION 11. WASTE TIRE PILE REMEDIATION FUND.

16 (A) ESTABLISHMENT OF FUND.--ALL MONEYS TRANSFERRED UNDER
17 SECTION 10 AND ANY OTHER FUNDS APPROPRIATED BY THE GENERAL
18 ASSEMBLY FOR THE PURPOSES OF IMPLEMENTING THIS ACT, SHALL BE
19 PAID INTO THE STATE TREASURY INTO A SPECIAL FUND TO BE KNOWN AS
20 THE WASTE TIRE PILE REMEDIATION FUND, WHICH IS HEREBY
21 ESTABLISHED.

22 (B) EDUCATION AND ASSISTANCE PROGRAMS.--UP TO 5% OF THE
23 MONEYS IN THE FUND MAY BE EXPENDED ANNUALLY BY THE DEPARTMENT
24 FOR THE DEVELOPMENT AND IMPLEMENTATION OF PUBLIC EDUCATION AND
25 TECHNICAL ASSISTANCE PROGRAMS CONCERNING THE MANAGEMENT OF USED
26 TIRES.

27 (C) UNEXPENDED FUNDS.--ANY UNEXPENDED FUNDS LEFT IN THE FUND
28 TEN YEARS AFTER THE ESTABLISHMENT OF THIS FUND SHALL BE
29 TRANSFERRED TO THE SOLID WASTE ABATEMENT FUND.

30 SECTION 12. REMEDIATION GRANTS.

1 (A) AUTHORIZATION.--THE DEPARTMENT SHALL AWARD GRANTS FOR
2 THE REMEDIATION OF WASTE TIRE PILES EXISTING ON OR BEFORE THE
3 EFFECTIVE DATE OF THIS ACT UPON RECEIPT OF A PROPOSAL SUBMITTED
4 BY A PERSON OR MUNICIPALITY.

5 (B) PRIORITY.--THE DEPARTMENT WILL ANNOUNCE THE SITES FOR
6 WHICH EACH PROPOSAL MAY BE ACCEPTED. THE DEPARTMENT SHALL SELECT
7 THESE SITES BASED ON THE ENVIRONMENTAL DANGER POSED BY THE SITES
8 AS DETERMINED BY THE DEPARTMENT.

9 (C) PREREQUISITES.--

10 (1) PERSONS OR MUNICIPALITIES SUBMITTING PROPOSALS TO
11 THE DEPARTMENT TO REMEDIATE SITES SHALL DO SO ON A FORM
12 PROVIDED BY THE DEPARTMENT. THE PROPOSAL AT A MINIMUM SHALL
13 CONTAIN:

14 (I) A DESCRIPTION OF THE PERSON OR MUNICIPALITY
15 EXPERIENCED IN TIRE PILE REMEDIATION.

16 (II) MARKETS OR USES FOR THE REMEDIATED TIRES.

17 (III) SCHEDULE FOR THE REMEDIATION OF TIRES.

18 (IV) PROPOSED COST OF THE USED TIRE PILE
19 REMEDIATION.

20 (2) PROPOSALS SHALL INCLUDE ANY ADDITIONAL INFORMATION
21 THE DEPARTMENT DEEMS NECESSARY. THE DEPARTMENT SHALL
22 ESTABLISH GUIDELINES FOR AWARDED GRANTS. THESE GUIDELINES
23 MAY BE UPDATED BY THE DEPARTMENT AS NEEDED.

24 (3) THE DEPARTMENT SHALL ESTABLISH A GRANT CEILING FOR
25 EACH PROPOSED TIRE PILE TO BE REMEDIATED BASED ON THE NUMBER
26 OF TIRES CONTAINED IN THE PILE AND ESTIMATED PROCESSING
27 COSTS. PROPOSALS MUST REQUEST AN AMOUNT THAT MAY NOT EXCEED
28 THE CEILING ESTABLISHED BY THE DEPARTMENT. THE DEPARTMENT
29 WILL GIVE PRIORITY TO THOSE PROPOSALS INDICATING THE REMOVAL
30 OF TIRES FOR REUSE, RECYCLING OR ENERGY RECOVERY IN THAT

1 ORDER. THE DEPARTMENT SHALL AWARD A GRANT FOR THE PROPOSAL
2 REQUESTING THE FEWEST FUNDS FOR ANY GIVEN SITE UNLESS IT
3 DETERMINES, IN ITS SOLE DISCRETION, THAT A GREATER POTENTIAL
4 FOR ENVIRONMENTAL DEGRADATION WOULD BE REMEDIATED BY A
5 PROPOSAL FOR ANOTHER SITE.

6 (4) GRANT RECIPIENTS SHALL APPLY FUNDS RECEIVED FROM THE
7 DEPARTMENT UNDER THIS SECTION ONLY TO THOSE PURPOSES AND
8 ACTIVITIES AUTHORIZED BY CONTRACT WITH THE DEPARTMENT OR
9 OTHERWISE APPROVED BY THE DEPARTMENT.

10 (D) REQUIRED GRANTS.--THE DEPARTMENT SHALL NOT AWARD A GRANT
11 UNDER THIS SECTION TO ANY PERSON OR MUNICIPALITY WHICH HAS
12 CONTRIBUTED IN ANY MANNER TO THE CREATION OF A WASTE TIRE PILE.

13 (E) LIMITATION.--GRANTS UNDER THIS SECTION SHALL NOT BE USED
14 FOR THE PURCHASE OF EQUIPMENT.

15 (F) LAPSE OF GRANT.--A GRANT OFFERING UNDER THIS CHAPTER
16 SHALL LAPSE AUTOMATICALLY IF FUNDS FOR THE GRANT ARE NOT
17 ENCUMBERED WITHIN ONE YEAR OF THE OFFERING. THE DEPARTMENT MAY,
18 IN ITS SOLE DISCRETION, REOFFER THE GRANT, OFFER THE GRANT FOR
19 THE REMEDIATION OF THAT SITE TO ANOTHER ENTITY WHICH SUBMITTED A
20 PROPOSAL, OR ANNOUNCE THE SOLICITATION FOR NEW PROPOSALS FOR
21 THAT SITE.

22 (G) LAPSE OF ENCUMBERED FUNDS.--GRANT FUNDS THAT HAVE BEEN
23 ENCUMBERED SHALL LAPSE AUTOMATICALLY TO THE WASTE TIRE PILE
24 REMEDIATION FUND IF THE FUNDS ARE NOT EXPENDED BY THE GRANTEE
25 WITHIN TWO YEARS AFTER THEY HAVE BEEN ENCUMBERED. THE DEPARTMENT
26 MAY, UPON WRITTEN REQUEST FROM THE GRANTEE, EXTEND THE TWO-YEAR
27 PERIOD FOR AN ADDITIONAL PERIOD NOT TO EXCEED THREE MONTHS.

28 (H) AVAILABILITY OF FUNDS.--ALL OBLIGATIONS OF THE
29 COMMONWEALTH UNDER THIS SECTION ARE CONTINGENT UPON THE
30 AVAILABILITY OF FUNDS UNDER SECTION 11.

1 SECTION 13. REPORT TO GENERAL ASSEMBLY.

2 THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY
3 CONCERNING THE IMPLEMENTATION OF THIS ACT, THE SUCCESS OF THE
4 WASTE TIRE REGISTRATION AND RECORDKEEPING SYSTEM AND THE
5 REDUCTION OF STOCKPILED WASTE TIRES NOT LATER THAN THREE YEARS
6 AFTER THE IMPLEMENTATION OF THIS ACT.

7 SECTION 14. REVIEW BY COMMONWEALTH AGENCIES.

8 COMMONWEALTH AGENCIES SHALL REVIEW AND REVISE THEIR
9 PROCUREMENT PROCEDURES, REGULATIONS AND SPECIFICATIONS ON A
10 CONTINUING BASIS TO ENCOURAGE THE USE AND RECYCLING OF WASTE
11 TIRES.

12 SECTION 15. EFFECTIVE DATE.

13 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.