**DAVIS COUNTY BOARD OF HEALTH**

**WASTE TIRE REGULATION**



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**1.0 PURPOSE**

~~The Waste Tire Recycling Act requires local health departments to make rules that govern the types of recycling that are eligible for reimbursement; specify procedures for reimbursement; and develop forms necessary to implement the requirements of the Act.~~

The purpose of this regulation is to preserve, promote and protect the public health, safety and general welfare of residents and visitors in Davis County by establishing minimum standards for the safe transport and storage of waste tires.

**2.0 SCOPE**

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

**3.0 AUTHORITY AND APPLICABLE LAWS**

This regulation is adopted under the authority of the Davis County Board of Health under the authority of Utah Code Annotated (UCA) ~~Utah Code~~ ~~19 Chapter 6 Section 818.~~ Section 26A-1-121.

The provisions of the UCA:

UCA Title 19, Chapter 6, Sections 801-823.

The provisions of the Utah Administrative Code (UAC):

Chapter R315-314 Facility Standards for Piles Used for Storage and Treatment; and,

Chapter R315-320 Waste Tire Transporter and Recycler Requirements

are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

**4.0 DEFINITIONS**

~~For the purpose of these regulations the following phrases, terms and words shall have the meanings given in this section:~~

4.1 ~~DIVISION~~ DEPARTMENT: ~~Environmental Health and Laboratory Division of the Davis~~ ~~County Health Department.~~ The Davis County Health Department.

4.2 DISPOSE~~, DISPOSED OR DISPOSAL~~: To deposit, dump or place any Waste Tire on any land or in any water of the state.

* 1. ~~END USER: A Person that creates or manufactures a product that is marketable as a finished consumer good including energy.~~
	2. ~~INCINERATION: Controlled combustion in an approved facility whose primary purpose is to thermally breakdown solid, liquid or gaseous combustible wastes to an ash residue that contains little or no combustible materials.~~

4.3 NUISANCE: An act or condition that annoys, injures, or endangers the comfort, health, or safety of any Person or that endangers or interferes with the use of property.

Any condition or hazard , or the source thereof, deleterious or detrimental to the health, safety, or welfare of any person or property.

4.4 PERSON: Any individual~~, trust~~, firm, ~~joint stock company, federal agency, partnership, corporation, association, state, municipality, commission, political subdivision of a state, an interstate body, company, society or any organization in any form.~~ corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency or any other legal entity recognized by law, in the singular or plural.

* 1. ~~RECYCLER: A Person who uses or can reasonably be expected within the next year to use a minimum of 100,000 Waste Tires per year to produce energy or an ultimate product, but does not include a Person who Stores, Disposes of or retreads Tires.~~
	2. ~~STORE OR STORAGE: Placing of Waste Tires in a manner that does not constitute Disposal of Waste Tires.~~
	3. ~~TIRE: A pneumatic rubber covering designated to encircle the wheel of a vehicle in which a Person or property is or may be transported or drawn upon a highway.~~
	4. ~~WASTE TIRE: Ttire that is no longer suitable for its original intended purpose because of wear, damage, or defect. or it has been disposed of for any reason.~~

**5.0** **REGULATION**

## ~~5.1~~ ~~RECYCLER REQUIREMENTS: A Recycler may apply for partial reimbursement for Waste Tires. used after January 1, 1991. These Waste Tires must have been used in a process~~ ~~or product approved by the Division. Application for reimbursement shall be on an application form prescribed by the Division. The application shall include but not be limited to the following:~~

~~5.1.1 The Recycler's name and a brief description of the Recycler's business;~~

~~5.1.2 The quantity, in tons, of Waste Tires recycled;~~

~~5.1.3 Originals or copies of log books, receipts, bills of lading or other similar documents to establish tonnage of Waste Tires recycled based on actual weight or a weight conversion factor acceptable to the Division using a numerical counting method for individual tires;~~

~~5.1.4 A description of how the Waste Tires were recycled;~~

~~5.1.5 Proof, satisfactory to the Division, that the Waste Tires were recycled; and~~

~~5.1.5.1 The affidavit of the Recycler warranting that the recycled Waste Tires for which reimbursement is sought were generated in the state.~~

~~5.1.6 The Recycler must be the End User of the Waste Tires or of the intermediate materials from Waste Tires.~~

~~5.1.7 Waste Tires or intermediate materials are not eligible for reimbursement if they are either disposed of or stored.~~

 5.1 **Recycler Requirements**

5.1.1 Right of Entry

~~5.1.8~~ The ~~Recycler~~  Recycler shall provide access to recycling facilities by ~~Division~~ Department staff during normal working hours in order to determine applicability of the process to these regulations.

~~5.1.9~~ ~~Recyclers or any other Persons in Davis County shall not Store Waste Tires in such a manner that they create a Nuisance.~~

##  ~~5.2~~ ~~DIVISION~~ ~~RESPONSIBILITY~~

~~5.2.1~~ ~~The Division shall develop an application for reimbursement.~~

5~~.2.2 The Division shall develop a factor for converting a numerical count of individual tires to a tonnage weight based upon an average number of tires per ton.~~

~~5.2.3 The Division shall develop affidavits for the Recycler's signature warranting that the Waste Tires are generated within the state and the final product of the recycling for which reimbursement is sought has been created.~~

~~5.2.4 The Division shall within fifteen (15) days of receipt of an application:~~

~~5.2.4.1 Review the application for completeness.~~

~~5.2.4.2 Conduct an on-site investigation of the Recycler's Waste Tire use if the application is the initial application of the Recycler.~~

~~5.2.4.3 Submit the Recycler's application for partial reimbursement together with a brief written report of the results of the investigation and the dollar amount approved for payment to the State of Utah Division of Finance.~~

~~5.2.4.4 Include with the application the amount of administrative fees to be paid the Division in accordance with the provisions of the Act either by the recycler or the Division of Finance.~~

* + 1. ~~If the Division approves a dollar amount for partial reimbursement which is less than the amount requested by the Recycler, the Division must submit its written report of the investigation and recommendation to the Recycler at least five (5) days prior to submitting the report and recommendation to the State Division of Finance.~~

~~5.2.6 The Division establishes the following as not being acceptable end uses which qualify for reimbursement:~~

 ~~5.2.6.1 Tires used for recapping, erosion control, Tire fences and unprocessed Tires used as playground toys and other similar uses.~~

~~5.2.6.2 Incineration if no energy value is reclaimed.~~

~~5.2.6.3 Stockpiling or land filling of Waste Tires, intermediate materials or finished consumer products if not marketed.~~

~~5.2.6.4 Transportation of Waste Tires or finished consumer products of Waste Tires to other states if not marketed.~~

~~5.2.7 The Division establishes the following as acceptable end uses for which partial reimbursement may be considered for payment:~~

* + - 1. ~~Incineration for energy recovery, such as to generate electricity or steam.~~

~~5.2.7.2 Incineration as a substitute for coal, oil or natural gas used in the production of a marketable consumer product.~~

* + - 1. ~~Pyrolysis for the production of oil, gas and carbon black.~~
			2. ~~The generation of asphalt-rubber for paving and/or other useful purposes.~~

~~5.2.7.5 Use in manufacturing other products.~~

~~5.2.7.6 Other processes or products will be evaluated on a case by case basis.~~

## 5.2 General Requirements

 5.2.1 Permit

~~5.3.~~  ~~Persons~~ ~~hauling~~ ~~waste tires in Davis County must~~ ~~be~~

 ~~Permitted~~ ~~in accordance with the~~ ~~Davis County Board of Health Scavenger and Salvage Regulations.~~ No person shall operate as a waste tire transporter without a valid permit issued by the Department. Permits must be visibly displayed on each transport vehicle. Permits cannot be transferred from person to person or from vehicle to vehicle.

~~5.3.2 Each Waste Tire Generator of with ten or more Waste Tires per month shall transfer custody of the Waste Tires only to a solid waste contractor who is permitted by the Division. A Person is exempt from this requirement if the generator transports his or her own Waste Tires and keeps an accurate record of the number of Waste Tires transported.~~

 5.~~3.3~~2.2 Disposal

 No Person~~, Waste Tire transporter, firm, business, municipality, or other public or private entity~~ generating or transporting ~~Ww~~aste ~~Tt~~ires shall dispose of ~~W~~waste ~~Tt~~ires except at an approved solid waste management facility, ~~W~~ wste ~~T t~~ire ~~S s~~torage facility, and/or ~~W w~~aste ~~T~~ tire recycling facility.

 5.2.3 Storage

 Recyclers or any other persons in Davis County shall not store waste tires in such a manner that they create a fire hazard and/or Nuisance.

 5.2.3.1 Temporary Storage

Temporary ~~Ss~~torage of ~~Ww~~aste ~~Tt~~ires at the site where they are generated is limited to thirty (30) days accumulation. ~~Temporary Waste Tire Storage must not create a fire hazard and/or a nuisance.~~

~~5.3.4~~ ~~Waste Tire transporters shall keep an accurate record of the number of Waste Tires collected and the date the Waste Tires were collected. Records shall be kept for each individual Waste Tire generator and the location of the solid waste management facility and dates the Waste Tires were disposed. Records shall be made in triplicate copies with one copy provided to the Waste Tire generator, one copy provided to the Disposal site, and one copy kept by the transporter and provided to the Division upon request. Records shall be retained by the Waste Tire transporter for a minimum of five (5) years.~~

~~5.3.5 Waste Tire Storage facilities, shall:~~

~~5.3.5.1 Store Tires in a way that affords fire protection by limiting the storage area to 5,000 square feet (465 square meters) of contiguous Tires with an elevation not exceeding 20 feet (6.1 meters) at the highest peak;~~

* + - 1. ~~Provide a clear space at least 50 feet (15.2 meters) wide between each storage area or waste tire pile. Such space shall not be obstructed by buildings or debris and shall not contain weeds, trees, or other flammable material;~~
			2. ~~Separate each Storage area by Tire type and separate recyclable tires from non-recyclable tires to simplify future sorting;~~

* + - 1. ~~Provide sufficient soil and other Division approved materials, in adequate amounts for fire extinguishing purposes and the availability of equipment to accomplish the purpose;~~
			2. ~~Provide acceptable vector control measures including but not limited to impermeable plastic sheets or other approved barriers that give protection from an accumulation of precipitation, chemical treatment approved by the Division to eliminate vector breeding;~~

* + - 1. ~~Maintain approach roads and spacing between Waste Tire piles so that fire fighting and emergency response equipment can easily enter the site; and~~

~~5.3.5.7~~ ~~Provide to the Division for approval an adequate plan outlining emergency response procedures including but not limited to fire control and insect eradication. Provide to the Division adequate bonds, escrow accounts, or other guarantees, with the Division as beneficiary and acceptable to the Division, in sufficient amounts to provide for removal and disposal of Waste Tire Storage piles in the event of non-compliance and/or default.~~

~~5.3.5.8~~

**6.0** **PENALTY~~W~~**

~~Any person, association, corporation, or the officers of the association or corporation who violates any provision of this section is:~~

 ~~(i) on the first violation guilty of a class B misdemeanor; and
     (ii) on a subsequent similar violation within two years, guilty of a class A misdemeanor.~~

**6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123**

6.1.1 Any Person who is found guilty by a court having proper jurisdictions of violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;

6.1.2 Any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;

6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;

6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

**6.2 Civil and Administrative Penalties**

The exercise of civil and administrative penalties shall be subject to the Board of Health’s Adjudicative Hearing Procedures Regulation.

6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice and Order issued under this regulation shall be subject to:

6.2.1.1 The payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;

6.2.1.2 A penalty pursuant to the provisions of UCA Section 26-23-6(2).

# 7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of ~~these~~ this regulation~~s~~ or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of ~~these~~  this regulation~~s~~. The valid part of any clause, sentence, or paragraph of ~~these~~ this regulation~~s~~ shall be given independence from the invalid provisions or application, and to this end, the provisions of ~~these~~ this regulation~~s~~ are ~~herby~~ declared to be severable.

# 8.0 FEES

 ~~Not Applicable.~~

 8.1 Waste Tire Transporter:

 1-5 trucks $50.00 per truck

Additional trucks $10.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 1st day of September, 1992.

**Effective date: 1st day of September, 1992~~.~~**

**Revised and Amended: August 9, 2011**

**Revised and Amended: July xx, 2016**

Davis County Board of Health

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~Ben Tanner~~ Scott Zigich

 Board Chairman

Attest:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~Lewis Garrett A.P.R.N.,~~ Brian Hatch, M.P.H.

Director of Health