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HOUSE BILL NO. 1916

Offered January 13, 2025

Prefiled January 6, 2025

A BILL to amend and reenact §§ 10.1-1414, 10.1-1418.2, 10.1-1422.1, 10.1-1422.3, and 58.1-641 of the Code of Virginia, relating to waste tire disposal by producers and haulers; fee; requirements.

Patron—Laufer

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1414, 10.1-1418.2, 10.1-1422.1, 10.1-1422.3, and 58.1-641 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1414. Definitions.

As used in this article, unless the context requires a different meaning:

"Advisory Board" means the Litter Control and Recycling Fund Advisory Board.

"Beneficial use" means a use that is of benefit as a substitute for natural or commercial products and does not contribute to adverse effects on health or the environment. Beneficial use products are produced by facilities that include beneficiation facilities and recycling centers.

"Beneficiation facility" means a facility that uses methods including sorting by color, removal of contaminants, crushing, grinding, screening, grading, and monitoring of size and quality to produce clean, crushed glass cullet that satisfies the specifications of the end user of the cullet, including a manufacturer of glass containers or fiberglass.

"Disposable package" or "container" means all packages or containers intended or used to contain solids, liquids or materials and so designated.

"Expanded polystyrene food service container" means a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. "Expanded polystyrene food service container" includes plates, cups, bowls, trays, and hinged containers but does not include packaging for unprepared foods or packaging, including a cooler, used in the shipment of food.

"Food vendor" means an establishment that provides prepared food for public consumption on or off its premises and includes a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, or catering truck or vehicle; any other person who provides prepared food; and any individual, organization, group, or state or local government entity that regularly provides food as a part of its services.

"Fund" means the Litter Control and Recycling Fund.

"Hauler" means a person who picks up or transports waste tires and speculatively accumulated waste tires, as defined in § 10.1-1418.2, for the purpose of removal to a permitted storage, processing, recycling, or disposal facility.

"Litter" means all waste material disposable packages or containers but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing.

"Litter bag" means a bag, sack, or durable material which is large enough to serve as a receptacle for litter inside a vehicle or watercraft which is similar in size and capacity to a state approved litter bag.

"Litter receptacle" means containers acceptable to the Department for the depositing of litter.

"Person" means any natural person, corporation, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, or representative or group of individuals or entities of any kind.

"Prepared food" means a food or beverage prepared for consumption on or off a food vendor's premises, using any cooking or food preparation technique. "Prepared food" does not include raw or uncooked meat, fish, or eggs provided without further food preparation.

"Public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests.

"Recycling" means the process of separating a given waste material from the waste stream and processing it so that it may be used again as a raw material for a product which may or may not be similar to the original product.

"Recycling center" means a facility that (i) accepts recyclable materials that have already been separated at the source from municipal solid waste generated by either residential or commercial producers; (ii) processes source segregated recyclable materials, including mixed-paper fiber materials, metal and plastic postconsumer containers, and glass containers; and (iii) processes and sells recyclable materials according to end-user specifications. "Recycling center" does not include a facility for construction and demolition debris processing, sorting of municipal solid waste, incineration, sorting or processing of industrial waste,

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59 composting, or used tire processing.

60 "Sold within the Commonwealth" or "sales of the business within the Commonwealth" means all sales of
61 retailers engaged in business within the Commonwealth and in the case of manufacturers and wholesalers,
62 sales of products for use and consumption within the Commonwealth.

63 "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a vehicle in which
64 a person or property is transported, or by which they may be drawn on a highway.

65 "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which
66 any person or property may be transported upon a public highway, except devices moved by human power or
67 used exclusively upon stationary rails or tracks.

68 "Waste tire" means a tire that has been discarded because it is not designated for resale or reuse by a
69 discarding entity or no longer suitable for its original intended purpose because of wear, damage, or defect.

70 "Waste tire processing facility" means a person or government entity certified by the Department that
71 processes waste tires and speculatively accumulated waste tires, as defined in § 10.1-1418.2, including
72 stamping, stripping, shredding, crumbling, and identifying tires for reuse or resale from speculatively
73 accumulated waste tires.

74 "Waste tire producer" means a person that (i) disposes of 50 or more tires in a year for passenger
75 vehicles or light trucks in the Commonwealth or (ii) acquires 50 or more waste tires or speculatively
76 accumulated waste tires, as defined in § 10.1-1418.2, in a year from passenger vehicles or light trucks in the
77 Commonwealth in the course of the sale of new tires or installation of tires to such vehicles.

78 "Watercraft" means any boat, ship, vessel, barge, or other floating craft.

79 **§ 10.1-1418.2. Improper disposal of tires; exemption; penalty.**

80 A. For the purposes of this section:

81 "Convenience center" means a collection point for the temporary storage of waste tires provided for
82 individuals who choose to transport waste tires generated on their own premises to an established centralized
83 point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point
84 shall not receive waste tires from collection vehicles that have collected waste from more than one real
85 property owner. A convenience center shall have a system of regularly scheduled collections and may be
86 covered or uncovered.

87 "Speculatively accumulated waste tires" means any waste tires that are accumulated before being used,
88 reused, or reclaimed or in anticipation of potential use, reuse, or reclamation. Waste tires are not being
89 accumulated speculatively when at least 75 percent of the waste tires accumulated are being removed from
90 the site annually.

91 B. It ~~shall be~~ is unlawful for any person to store, dispose of, speculatively accumulate or otherwise place
92 more than 100 waste tires on public or private property, without first having obtained a permit as required by
93 § 10.1-1408.1 or in a manner inconsistent with any local ordinance. No person shall allow others to store,
94 dispose of, speculatively accumulate or otherwise place on his property more than 100 waste tires, without
95 first having obtained a permit as required by § 10.1-1408.1.

96 C. 1. A hauler shall submit a quarterly report to the Department on an electronic form provided by the
97 Department. Such report shall include (i) the name, address, and federal and state tax identification
98 information of the hauler's business; (ii) the number of waste tires and speculatively accumulated waste tires
99 transported during the reporting period and where the hauler transported such waste tires; (iii) the name and
100 location of the waste tire producer from whom the hauler collected the waste tires and speculatively
101 accumulated waste tires; (iv) the number of waste tires and speculatively accumulated waste tires collected
102 from such waste tire producer and a certified statement from the waste tire producer or his designee that
103 affirms such number; and (v) any other information the Department deems necessary.

104 2. A hauler shall transfer all waste tires to a transfer station, material recovery facility, landfill with a
105 solid waste permit as required by § 10.1-1408.1, waste tire end user, as that term is defined in § 10.1-1422.4,
106 or a waste tire processing facility. A hauler shall not store, process, or otherwise manage waste tires unless
107 otherwise permitted to do so.

108 D. 1. A waste tire processing facility and a waste tire end user shall submit a quarterly report on an
109 electronic form provided by the Department. Such report shall include (i) the number of waste tires and
110 speculatively accumulated waste tires received from a hauler and (ii) a statement describing how the waste
111 tire processing facility or waste tire end user managed such waste tires, including the name and location
112 where such waste tires were disposed.

113 2. A waste tire processing facility shall provide to the Department a good and sufficient bond, in the
114 amount of \$30,000 or in such greater amount determined by the Department, to ensure such waste tire
115 processing facility has the financial ability to perform in accordance with the provisions of this subsection.

116 E. A waste tire producer shall use only a registered hauler pursuant to § 10.1-1422.1 to transport waste
117 tires and speculatively accumulated waste tires. A waste tire producer may also be registered as a hauler
118 pursuant to § 10.1-1422.1 to transport waste tires from passenger vehicles or light trucks that are generated
119 on such waste tire producer's property.

120 F. A waste tire producer shall ensure all waste tires and speculatively accumulated waste tires that are

removed from passenger vehicles or light trucks are placed in a secure location and that such waste tires are only removed from its property by a registered hauler.

G. Any person who knowingly violates any provision of this section ~~shall be~~ is guilty of a Class 1 misdemeanor. However, any person who knowingly violates any provision of this section and such violation involves 500 or more waste tires ~~shall be~~ is guilty of a Class 6 felony.

~~D. H.~~ H. Salvage yards licensed by the Department of Motor Vehicles shall be exempt from this section, provided that they are holding fewer than 300 waste tires and that the waste tires do not pose a hazard or a nuisance or present a threat to human health and the environment.

~~E. I.~~ I. As used in this section, the terms "store" and "otherwise place" shall not be construed as meaning the holding of fewer than 500 tires for bona fide uses related to the growing, harvesting or processing of agricultural or forest products.

~~F. J.~~ J. The provisions of this section shall not apply to the (i) storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard licensed by the Department of Motor Vehicles, as long as the tires are not being speculatively accumulated, or (ii) storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

~~G. K.~~ K. The provisions of this section shall not apply to the storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated.

~~H. L.~~ L. Nothing in this section shall limit enforcement of the prohibitions against littering and the improper disposal of solid waste contained elsewhere in this chapter.

§ 10.1-1422.1. Disposal of waste tires.

A. The Department shall develop and implement a plan for the management and transportation of all waste tires in the Commonwealth *and establish requirements for the registration of haulers pursuant to subsection B. In establishing such requirements the Department shall include:*

1. *The minimum standards for the operation, maintenance, monitoring, reporting, and suspension of waste tire producers and haulers;*

2. *A procedure for reporting noncompliance; and*

3. *A procedure for providing reimbursements in accordance with § 10.1-1422.3.*

B. *To qualify for a hauler registration, an applicant shall provide on an electronic form, provided by the Department, (i) the name and form of the applicant's corporate entity, mailing address, contact information, federal and state tax identification information, workers' compensation insurance policy number or certificate of compliance with the Virginia Workers' Compensation Commission, and facility site name and address; (ii) the vehicle information for all vehicles used for the pickup and transportation of waste tires and speculatively accumulated waste tires, including the vehicle identification number, license plate number, make, model, and year; (iii) information describing the intended or known destination for the disposal of waste tires and speculatively accumulated waste tires, including the business name and address; and (iv) a good and sufficient bond in the minimum of \$30,000 or in such greater amount determined by the Department to ensure the hauler is financially able to comply with the requirements of § 10.1-1418.2.*

C. *The Office of Attorney General may, upon request of the Department, take enforcement action against any person who violates the provisions of this section or § 10.1-1418.2.*

§ 10.1-1422.3. Waste Tire Trust Fund established; use of moneys; purpose of Fund.

A. All moneys collected pursuant to § 58.1-642, minus the necessary expenses of the Department of Taxation for the administration of this tire recycling fee as certified by the Tax Commissioner, shall be paid into the treasury and credited to a special nonreverting fund known as the Waste Tire Trust Fund (*the Fund*), which is hereby established. Any moneys remaining in the Fund shall not revert to the general fund but shall remain in the Fund. Interest earned on such moneys shall remain in the Fund and be credited to it. The Department of ~~Waste Management~~ is authorized and empowered to release moneys from the Fund, on warrants issued by the State Comptroller, *only* for the purposes enumerated in this section, or any regulations adopted thereunder.

B. Moneys from the Fund shall be expended to:

1. Pay the costs of implementing the waste tire plan authorized by § 10.1-1422.1, as well as the costs of any programs created by the Department pursuant to such a plan;

2. Provide partial reimbursement to persons for the costs of using waste tires or chips or similar materials; ~~and~~

3. Pay the costs to remove waste tire piles from property pursuant to § 10.1-1418.4, ~~to the extent funds are available from the increased revenues generated by the increased tire recycling fee collected beginning July 1, 2003, and ending July 1, 2006, in accordance with § 58.1-641;~~

4. Pay the costs for the Department to develop and maintain an electronic reporting system as required by § 10.1-1418.2;

5. Pay the costs to remove waste tires pursuant to an amnesty day program conducted by a locality;

6. Provide partial reimbursement to waste tire producers pursuant to subsection E of § 10.1-1418.2 and to registered haulers pursuant to subsection C of § 10.1-1418.2 at a per ton rate equal to the partial

182 reimbursement provided to end users pursuant to § 10.1-1422.4; and

183 7. Fund research, studies, and demonstration projects that stimulate the growth of existing and emerging
184 markets for waste tires, including civil engineering uses of waste tires to enhance a sustainable infrastructure
185 .

186 C. Reimbursements under § 10.1-1422.4 shall not be made until regulations establishing reimbursement
187 procedures have become effective.

188 **§ 58.1-641. Imposition of tire recycling fee.**

189 Beginning July 1, 2008, *but before July 1, 2011*, there is hereby levied and imposed upon every retailer of
190 tires in the Commonwealth, in addition to all other taxes and fees of every kind now imposed by law, a tire
191 recycling fee of \$1 for each new tire sold by a retailer. Beginning July 1, 2011, *but before July 1, 2026*, the
192 fee shall be levied and imposed at a rate of ~~\$.50~~ \$0.50 for each new tire sold by a retailer. *Beginning July 1,*
193 *2026, the fee shall be levied and imposed at a rate of \$2 for each new tire sold by a retailer.*

194 **2. That the Waste Management Board (the Board) shall adopt regulations to implement the provisions**
195 **of this act. In adopting regulations, the Board shall seek input from tire producers, processors, and**
196 **haulers to assist the Board in developing the regulations as required by this act, including an**
197 **appropriate distribution of money from the Waste Tire Trust Fund established in § 10.1-1422.3 of the**
198 **Code of Virginia, as amended by this act.**

199 **3. That the provisions of this act shall become effective on July 1, 2026.**