

105TH CONGRESS  
1ST SESSION

# S. 445

To amend the Solid Waste Disposal Act to encourage recycling of waste tires and to abate tire dumps and tire stockpiles, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 14, 1997

Mr. CHAFEE (for himself and Mr. DODD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Solid Waste Disposal Act to encourage recycling of waste tires and to abate tire dumps and tire stockpiles, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Waste Tire Recycling,  
5       Abatement, and Disposal Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) the United States generates approximately  
9       250,000,000 waste tires each year with over

1       3,000,000,000 waste tires stored or dumped in  
2       aboveground piles across the United States;

3           (2) current waste tire collection and disposal  
4       practices present a substantial threat to human  
5       health and the environment;

6           (3) waste tire piles are a breeding habitat for  
7       disease-carrying mosquitoes, rodents, and other  
8       pests and may be ignited causing potentially cata-  
9       strophic fires;

10          (4) there are substantial opportunities for recy-  
11       cling and reuse of waste tires and tire-derived prod-  
12       ucts, including tire retreading, asphalt pavement  
13       containing recycled rubber, rubber products, and  
14       fuel;

15          (5) although several States have established  
16       waste tire recycling programs and disposal require-  
17       ments to protect human health and the environment,  
18       the efforts of individual States are often frustrated  
19       by the lack of comparable programs in neighboring  
20       States; and

21          (6) additional financial resources are necessary  
22       to encourage waste tire recycling and proper disposal  
23       and the abatement of existing waste tire dumps.

1 **SEC. 3. WASTE TIRE RECYCLING, ABATEMENT, AND DIS-**  
 2 **POSAL.**

3 Subtitle D of the Solid Waste Disposal Act (42  
 4 U.S.C. 6941 et seq.) is amended by adding at the end  
 5 the following:

6 **“SEC. 4011. WASTE TIRE RECYCLING, ABATEMENT, AND DIS-**  
 7 **POSAL.**

8 “(a) PURPOSES.—The purposes of this section are—

9 “(1) to encourage waste tire recycling;

10 “(2) to prevent disease and fires that may be  
 11 associated with waste tire dumps and waste tire  
 12 stockpiles;

13 “(3) to ensure that—

14 “(A) all waste tire dumps in the United  
 15 States are closed and abated not later than 4  
 16 years after the date of enactment of this Act;  
 17 and

18 “(B) all waste tire stockpiles are abated by  
 19 not later than December 31, 2005; and

20 “(4) to otherwise regulate commerce in waste  
 21 tires to protect human health and the environment.

22 “(b) DEFINITIONS.—In this section:

23 “(1) ABATE AND ABATEMENT.—The terms  
 24 ‘abate’ and ‘abatement’ mean—

25 “(A) to remove waste tires from a waste  
 26 tire dump or waste tire stockpile by processing

1 or properly disposing of the tires on an enforce-  
 2 able schedule ensuring compliance with the pro-  
 3 hibitions of subsection (c); or

4 “(B) action taken pursuant to subsection  
 5 (i) or equivalent authority under a State pro-  
 6 gram to process or properly dispose of waste  
 7 tires.

8 “(2) ASPHALT PAVEMENT CONTAINING RECY-  
 9 CLED RUBBER.—The term ‘asphalt pavement con-  
 10 taining recycled rubber’ has the meaning given the  
 11 term in section 1038(e) of the Intermodal Surface  
 12 Transportation Efficiency Act of 1991 (23 U.S.C.  
 13 109 note; 105 Stat. 1990).

14 “(3) COLLECTION SITE.—The term ‘collection  
 15 site’ means a facility, installation, building, or site  
 16 (including all of the contiguous area under the con-  
 17 trol of a person or persons controlled by the same  
 18 person) used for the storage or disposal of more  
 19 than 400 waste tires but not including shredded tire  
 20 material that has been properly disposed.

21 “(4) MARINE OR AGRICULTURAL PURPOSE.—  
 22 The term ‘marine or agricultural purpose’ means the  
 23 use of waste tires—

24 “(A) as bumpers on vessels or agricultural  
 25 equipment;

1           “(B) as a ballast to maintain covers or  
2           structures on an agricultural site; or

3           “(C) for other marine or agricultural pur-  
4           poses specified by rule by the Administrator.

5           “(5) PROCESS.—The term ‘process’ means to  
6           produce or manufacture usable materials (including  
7           fuels) with real economic value from waste tires.

8           “(6) PROPERLY DISPOSED.—The term ‘properly  
9           disposed’ means the placement of shredded tire ma-  
10          terial as a solid waste into a landfill meeting the re-  
11          vised criteria established pursuant to section  
12          4010(c).

13          “(7) RECYCLE.—The term ‘recycle’ means to  
14          process waste tires to produce usable materials other  
15          than fuels.

16          “(8) SHREDDED TIRE MATERIAL.—The term  
17          ‘shredded tire material’ means tire material resulting  
18          from tire shredding that produces pieces 4 square  
19          inches or less in size that do not hold water when  
20          stored in piles.

21          “(9) TIRE.—The term ‘tire’ means any pneu-  
22          matic or solid tire, including a tire manufactured for  
23          use on any type of motor vehicle, construction or  
24          other off-road equipment, aircraft, or industrial ma-  
25          chinery.

1           “(10) TIRE COLLECTOR.—The term ‘tire collec-  
2           tor’ means a person that owns or operates a collec-  
3           tion site.

4           “(11) TIRE DUMP.—The term ‘tire dump’  
5           means a tire collection site without a collector or  
6           processor permit that is maintained, operated, used,  
7           or allowed to be used for the disposal, storing, or de-  
8           positing of waste tires.

9           “(12) TIRE HAULER.—The term ‘tire hauler’  
10          means a person engaged in picking up or transport-  
11          ing waste tires to a storage or disposal facility.

12          “(13) TIRE PROCESSOR.—The term ‘tire proc-  
13          essor’ means a person that processes waste tires to  
14          produce or manufacture usable materials or to re-  
15          cover energy.

16          “(14) TIRE STOCKPILE.—The term ‘tire stock-  
17          pile’ means a waste tire collection site operating pur-  
18          suant to a permit issued by the Administrator or by  
19          a State with a program approved under subsection  
20          (f) at which shredded tire material from 50 or more  
21          waste tires is stored for future processing or dis-  
22          posal.

23          “(15) WASTE TIRE.—The term ‘waste tire’  
24          means a tire that is no longer suitable for its origi-

1       nal intended purpose because of wear, damage, or  
2       defect and includes shredded tire material.

3               “(16) WASTE TIRE RECYCLING, ABATEMENT,  
4       AND DISPOSAL TRUST FUND.—The term ‘Waste Tire  
5       Recycling, Abatement, and Disposal Trust Fund’  
6       means the Waste Tire Recycling, Abatement, and  
7       Disposal Trust Fund established under section 9512  
8       of the Internal Revenue Code of 1986.

9       “(c) PROHIBITIONS.—

10              “(1) DISPOSAL OF WHOLE WASTE TIRES ON  
11       LAND OR IN LANDFILLS.—

12                      “(A) IN GENERAL.—Effective beginning 1  
13       year after the date of enactment of this section,  
14       it shall be unlawful to dispose of a waste tire  
15       (other than shredded tire material) on land or  
16       in a landfill.

17                      “(B) MODIFICATION OF CRITERIA.—Not  
18       later than 1 year after the date of enactment of  
19       this Act, the Administrator shall modify the cri-  
20       teria established pursuant to section 4010(c) to  
21       reflect the prohibition established under sub-  
22       paragraph (A).

23              “(2) RECEIPT OF WASTE TIRES AT COLLECTION  
24       SITES.—Effective beginning 1 year after the date of  
25       enactment of this section, it shall be unlawful to re-

1       ceive any waste tire (not including shredded tire ma-  
2       terial) at any collection site unless, not later than 7  
3       days after receipt, the waste tire is processed, con-  
4       verted to shredded tire material, or transferred to a  
5       business engaged in tire retreading.

6               “(3) WASTE TIRE PILES.—Effective beginning  
7       1 year after the date of enactment of this section,  
8       it shall be unlawful to operate a collection site except  
9       in compliance with the following conditions applica-  
10      ble to a waste tire pile:

11               “(A) A waste tire pile shall be not more  
12              than 20 feet in height and, at the base, be not  
13              more than 50 feet in width and 200 feet in  
14              length.

15               “(B) A separation of not less than 50 feet  
16              shall be maintained between waste tire piles.

17               “(C) A waste tire pile shall be not less  
18              than 200 feet from the perimeter of the prop-  
19              erty and not less than 200 feet from any build-  
20              ing.

21               “(D) Until shredded, waste tires in a pile  
22              shall be maintained to minimize mosquito  
23              breeding by cover or chemical treatment.

24               “(E) A waste tire pile shall be accessible to  
25              fire fighting equipment and any approach road



1 to the pile shall be maintained in good condi-  
2 tion.

3 “(F) A waste tire pile exceeding 2,500  
4 waste tires shall be surrounded by a berm suffi-  
5 cient to contain any liquid that may be dis-  
6 charged as the result of a fire or fire fighting  
7 efforts.

8 “(G) A waste tire pile exceeding 2,500  
9 waste tires shall be completely enclosed behind  
10 fencing.

11 “(H) A tire collector maintaining a collec-  
12 tion site containing more than 2,500 waste tires  
13 shall prepare and maintain an emergency plan  
14 to respond to any fire or other event that may  
15 release pollutants or contaminants from the  
16 site.

17 “(I) Such other conditions as the Adminis-  
18 trator may by rule require to protect human  
19 health and the environment, including compli-  
20 ance with National Fire Prevention Association  
21 231–D standard for storage of rubber tires or  
22 similar fire prevention code to the extent the  
23 code is consistent with this section.

24 “(4) MAXIMUM NUMBER OF WASTE TIRES  
25 STORED.—Effective beginning 4 years after the date

1 of enactment of this section, it shall be unlawful to  
2 store more than 1,500 waste tires for more than 7  
3 days at a collection site other than as shredded tire  
4 material in waste tire stockpiles, except as provided  
5 under subsection (d).

6 “(5) STATE PROGRAMS.—Effective beginning 1  
7 year after the effective date of a State program ap-  
8 proved or established by the Administrator under  
9 this section, it shall be unlawful for any person to  
10 engage in any of the following actions except in com-  
11 pliance with a permit issued by the State under a  
12 program approved under subsection (f) or by the  
13 Administrator:

14 “(A) Transfer control over any waste tire  
15 for transportation to a collection site to any  
16 person other than a person operating under a  
17 permit as a tire hauler.

18 “(B) Operate or maintain any waste tire  
19 dump or deliver to or receive a waste tire for  
20 storage or disposal at a waste tire dump.

21 “(C) Deliver a waste tire to, or receive a  
22 waste tire at, any collection site that does not  
23 qualify as a waste tire stockpile.

1           “(D) Operate or maintain a waste tire  
2           stockpile or deliver to or receive a waste tire for  
3           storage or disposal at a waste tire stockpile.

4           “(6) SHREDDED TIRE MATERIAL.—

5           “(A) IN GENERAL.—Beginning January 1,  
6           2006, subject to subparagraph (B), it shall be  
7           unlawful for any person—

8           “(i) to operate or maintain a waste  
9           tire stockpile containing shredded tire ma-  
10          terial from more than 2,500 waste tires; or

11          “(ii) in the case of a tire processor, to  
12          operate or maintain a waste tire stockpile  
13          containing more than 30 days supply of  
14          shredded tire material to be used as a  
15          feedstock within the process.

16          “(B) DISPOSAL IN MONOFILL FOR LATER  
17          RECOVERY.—Subparagraph (A) shall not pro-  
18          hibit the proper disposal of shredded tire mate-  
19          rial in a monofill for later recovery.

20          “(d) EXEMPTIONS.—

21          “(1) IN GENERAL.—Subject to paragraph (2),  
22          the Administrator may by regulation exempt any of  
23          the following persons from any or all of the require-  
24          ments of this section if the exemption is consistent  
25          with this Act and no threat of an adverse affect on

1 human health or the environment will result from  
2 the exemption:

3 “(A) A tire retailer storing less than 2,500  
4 waste tires at any collection site where new  
5 tires are sold or installed.

6 “(B) A tire retreader storing less than  
7 2,500 waste tires or a quantity of waste tires  
8 equal to the number to be retreaded over a 30-  
9 day period, whichever is greater, at any collec-  
10 tion site where tires are retreaded.

11 “(C) A business that removes tires from  
12 vehicles and that stores less than 2,500 waste  
13 tires at any collection site where the removals  
14 occur.

15 “(D) A solid waste disposal facility storing  
16 less than 2,500 waste tires for future process-  
17 ing or disposal that—

18 “(i) are otherwise in compliance with  
19 the revised criteria promulgated pursuant  
20 to section 4010(c) pursuant to subsection  
21 (c)(1)(B); and

22 “(ii) have already received a permit  
23 under a State solid waste program impos-  
24 ing conditions and requirements to protect  
25 human health and the environment that

1           are comparable to the conditions and re-  
2           quirements imposed by this section.

3           “(E) A person storing or using waste tires  
4           for a marine or agricultural purpose if the  
5           waste tires are used for the purpose not later  
6           than 180 days after the date the tire is removed  
7           from use.

8           “(2) ALTERNATIVE REQUIREMENTS.—The Ad-  
9           ministrator may—

10           “(A) impose alternative requirements for  
11           an exemption or partial exemption under para-  
12           graph (1), including requirements for fire pre-  
13           vention and disease control;

14           “(B) include the requirements in the guid-  
15           ance published under subsection (f)(2); and

16           “(C) impose the requirements on a person  
17           described in any of subparagraphs (A) through  
18           (D) of paragraph (1) as a condition for the ex-  
19           emption or partial exemption.

20           “(e) NOTIFICATION OF ADMINISTRATOR OR STATE  
21           AGENCY.—

22           “(1) IN GENERAL.—Not later than 1 year after  
23           the date of enactment of this section, each tire haul-  
24           er, tire collector, and tire processor shall notify the

1 Administrator, or the State agency designated pur-  
2 suant to this section, of—

3 “(A) the name and business address of the  
4 tire hauler, tire collector, or tire processor;

5 “(B) the name and business address of the  
6 person or persons owning any property on  
7 which a tire collection site is located;

8 “(C) the location and a physical descrip-  
9 tion of each collection site maintained by a tire  
10 collector;

11 “(D) the name of the person to contact in  
12 the event of an emergency involving waste tires  
13 located at each collection site;

14 “(E) an estimate of the number of waste  
15 tires that are present at each collection site;

16 “(F) an estimate by a tire collector or tire  
17 processor of the average number of waste tires  
18 that are received at each collection site main-  
19 tained by the collector or processor each month  
20 and the sources from which waste tires are re-  
21 ceived;

22 “(G) an estimate by a tire hauler of the  
23 average number of waste tires that are deliv-  
24 ered to each collection site each month;

1           “(H) a description of methods used at each  
2 collection site to shred, process, recycle, or dis-  
3 pose of waste tires;

4           “(I) a description of the fire prevention  
5 and disease control methods employed at each  
6 collection site;

7           “(J)(i) a certification signed by the owner  
8 or operator of each collection site that provides  
9 an assurance of compliance with paragraphs (2)  
10 and (3) of subsection (c) by the applicable  
11 dates; or

12           “(ii) if compliance with those paragraphs  
13 cannot be certified, an assurance that the col-  
14 lection site will be closed, and will be abated,  
15 not later than 1 year after the date of enact-  
16 ment of this section;

17           “(K) a statement that demonstrates the fi-  
18 nancial capacity of the tire collector, or the  
19 owner or operator of each collection site, to  
20 abate waste tires at the site and to respond to  
21 any fire or other event that may result in the  
22 release of a pollutant or contaminant from the  
23 site in an amount of not less than \$1.00 for  
24 each tire stored, deposited, or otherwise located

1 at the facility, other than a tire that has been  
 2 properly disposed of at the site; and

3 “(L) such other information as the Admin-  
 4 istrator may require.

5 “(2) NOTIFICATION FORM.—

6 “(A) PUBLICATION.—Not later than 90  
 7 days after the date of enactment of this section,  
 8 the Administrator shall—

9 “(i) publish a notification form or  
 10 forms that will be used by tire haulers, tire  
 11 collectors, and tire processors to comply  
 12 with paragraph (1); and

13 “(ii) designate the State agencies that  
 14 will receive the form or forms.

15 “(B) PAPERWORK REDUCTION.—Develop-  
 16 ment and publication of the form shall not be  
 17 subject to chapter 35 of title 44, United States  
 18 Code.

19 “(C) COOPERATION WITH GOVERNORS.—  
 20 Designation of State agencies to receive notifi-  
 21 cation forms shall be carried out in cooperation  
 22 with the Governor of each State.

23 “(f) STATE PROGRAMS.—

24 “(1) IN GENERAL.—Beginning 1 year after the  
 25 date of enactment of this section, the Governor of a



1 State may apply to the Administrator to implement  
2 a waste tire recycling, abatement, and disposal pro-  
3 gram under this subsection.

4 “(2) EPA GUIDANCE.—Not later than 1 year  
5 after the date of enactment of this section, the Ad-  
6 ministrator shall publish guidance establishing the  
7 minimum elements of a program to be administered  
8 under this section by a State agency that include the  
9 requirements of paragraphs (3), (4), and (5) and—

10 “(A) adequate authority to ensure compli-  
11 ance with and enforce the prohibitions estab-  
12 lished under subsection (c) and each of the  
13 other requirements of this Act applicable to a  
14 tire hauler, tire collector, or tire processor;

15 “(B) authority to abate any waste tire  
16 dump or waste tire stockpile within the State  
17 that is comparable to the authority granted the  
18 Administrator under subsection (i) and a plan  
19 to ensure that the dumps and stockpiles are  
20 abated by not later than the dates applicable  
21 under subsection (c);

22 “(C) a requirement that each tire hauler,  
23 tire collector, or tire processor operate pursuant  
24 to a permit issued by the State;

1           “(D) adequate authority to ensure that the  
2           fees imposed by paragraph (4) are collected by  
3           the State on the sale of new tires and by tire  
4           haulers, tire collectors, and tire processors on  
5           commerce in waste tires;

6           “(E) adequate personnel and funding to  
7           administer the program; and

8           “(F) such other requirements as the Ad-  
9           ministrator may prescribe.

10          “(3) PERMIT REQUIREMENTS.—The guidance  
11          published pursuant to paragraph (2) shall, with re-  
12          spect to a permit, provide, at a minimum, for—

13               “(A) a requirement that the State agency  
14               administering the program and issuing a permit  
15               have adequate authority to—

16                   “(i) issue a permit that applies to,  
17                   and ensure compliance by, all persons re-  
18                   quired to have a permit under this section,  
19                   with applicable standards, regulations, or  
20                   requirements;

21                   “(ii) issue a permit for a fixed term of  
22                   not to exceed 5 years;

23                   “(iii) ensure that a permit require  
24                   compliance with the prohibitions of sub-  
25                   section (c);

1 “(iv) terminate, modify, or revoke a  
2 permit for cause;

3 “(v) enforce a permit and the require-  
4 ment to obtain a permit (including author-  
5 ity to recover a civil penalty in a maximum  
6 amount of not less than \$10,000 per day  
7 for each violation) and to seek appropriate  
8 criminal penalties; and

9 “(vi) grant limited extensions of the  
10 term of a permit on a timely and complete  
11 application for renewal, pending final ac-  
12 tion on the renewal application by the  
13 State agency;

14 “(B) a requirement that the permitting au-  
15 thority establish and implement adequate proce-  
16 dures for processing permit applications expedi-  
17 tiously, and for public notice, including offering  
18 an opportunity for public comment and a hear-  
19 ing, on any permit application;

20 “(C) a requirement that the State conduct  
21 an inspection at each waste tire collection site  
22 before a permit is issued to operate the site as  
23 a waste tire stockpile;

24 “(D) a requirement that all permit applica-  
25 tions, abatement plans, permits, and monitoring

1 or compliance reports shall be made available to  
2 the public;

3 “(E) a requirement under State law that  
4 each person subject to the requirement to ob-  
5 tain a permit under the State program pay an  
6 annual fee, or the equivalent over some other  
7 period, that is sufficient to cover all reasonable  
8 costs of developing, administering, and enforce-  
9 ing the State permit program;

10 “(F) a requirement that—

11 “(i) each permit issued to a tire col-  
12 lector or processor for the operation of a  
13 waste tire stockpile include a numerical  
14 limitation on the waste tires that can be  
15 stored, processed, or disposed at the site;  
16 and

17 “(ii) the tire collector demonstrates fi-  
18 nancial responsibility for processing or  
19 abating all tires that may be accumulated  
20 up to the limit in the permit; and

21 “(G) a requirement that each permit for a  
22 waste tire stockpile contain a schedule for the  
23 abatement of all waste tires managed, stored,  
24 disposed, or otherwise deposited at the stockpile  
25 as expeditiously as practicable but not later

1           than December 31, 2005, and containing an-  
2           nual incremental reductions in the quantity of  
3           waste tires stored at the site providing that 50  
4           percent of the abatement shall be accomplished  
5           by not later than December 31, 2002.

6           “(4) FEES ON PURCHASE AND DISPOSAL.—

7                 “(A) IN GENERAL.—The guidance pub-  
8           lished pursuant to paragraph (2) shall with re-  
9           spect to fees provide, at a minimum, for—

10                   “(i) a requirement that the State im-  
11                   pose a fee of not less than 50 cents on the  
12                   sale of each new tire until such time as all  
13                   waste tire dumps and waste tire stockpiles  
14                   in the State have been abated;

15                   “(ii) a requirement that a tipping fee  
16                   of not less than \$1 for each waste tire re-  
17                   moved from a motor vehicle be paid by the  
18                   owner or operator of the vehicle to the per-  
19                   son or business removing the tire;

20                   “(iii) a requirement that any tire  
21                   hauler collecting tires from any person (in-  
22                   cluding a business that removes tires and  
23                   collects the fee required by subparagraph  
24                   (B) or any other person including a house-  
25                   hold or commercial disposal site) charge a

1 fee of not less than \$1 for each waste tire  
2 collected; and

3 “(iv) a requirement that any tire col-  
4 lector or tire processor receiving waste  
5 tires charge the tire hauler, or any other  
6 person depositing tires at the collection site  
7 or processing site owned by the tire collec-  
8 tor or tire processor, a fee of not less than  
9 \$1 for each waste tire deposited at the site.

10 “(B) ADJUSTMENT OF FEES.—

11 “(i) IN GENERAL.—The Adminis-  
12 trator—

13 “(I) shall from time to time, but  
14 not less often than once every 3 years,  
15 review the fees required in State pro-  
16 grams pursuant to clauses (ii), (iii),  
17 and (iv) of subparagraph (A); and

18 “(II) may adjust the amount of  
19 the fees to reflect the economics of  
20 tire processing and recycling.

21 “(ii) INCORPORATION BY STATES.—If  
22 the Administrator adjusts the amount of a  
23 fee to be collected pursuant to clause (ii),  
24 (iii), or (iv) of subparagraph (A), not later  
25 than 1 year after the Administrator makes

1           the adjustment, each State with an ap-  
2           proved waste tire recycling, abatement, and  
3           disposal program shall revise its program  
4           to incorporate the adjustment.

5           “(C) ALTERNATIVE FEES.—A State may  
6           impose an alternative fee to the fee required by  
7           subparagraph (A)(i) (including a fee on a motor  
8           vehicle registration or transfer) if the State  
9           demonstrates to the Administrator that the al-  
10          ternative fee will provide resources sufficient to  
11          ensure abatement of all waste tire dumps and  
12          waste tire stockpiles in the State by not later  
13          than the dates required under subsection (c).

14          “(5) USES OF STATE REVENUE.—

15                 “(A) IN GENERAL.—Subject to subpara-  
16                 graph (B), the guidance published pursuant to  
17                 paragraph (2) shall require that any revenues  
18                 received by a State from the fee required by  
19                 subparagraph (A)(i) or (C) of paragraph (4) be  
20                 placed into a special fund and that appropria-  
21                 tions from the fund be used only to—

22                         “(i) abate waste tire dumps and waste  
23                         tire stockpiles;

1 “(ii) make grants or loans, or enter  
 2 into cooperative agreements with tire proc-  
 3 essors, to support recycling of waste tires;

4 “(iii) offset any additional cost associ-  
 5 ated with the procurement of asphalt pave-  
 6 ment containing recycled rubber used in  
 7 road construction by the State or a local  
 8 government entity or in the procurement of  
 9 other products made from recycled tires; or

10 “(iv) operate or provide grants to fa-  
 11 cilities that ensure compliance with the  
 12 prohibitions of subsection (c) and the prop-  
 13 er disposal of waste tires.

14 “(B) ADMINISTRATIVE EXPENSES.—Not  
 15 more than 15 percent of the funds collected  
 16 pursuant to subparagraph (A)(i) or (C) of para-  
 17 graph (4) shall be used for administrative ex-  
 18 penses of the State program.

19 “(6) APPLICATIONS.—

20 “(A) IN GENERAL.—Each State shall in-  
 21 clude in its program submission to the Adminis-  
 22 trator under this subsection a summary that in-  
 23 cludes—



1 “(i) the information collected pursu-  
2 ant to the notifications required by sub-  
3 section (e); and

4 “(ii) to the maximum extent prac-  
5 ticable, information on orphan tire collec-  
6 tion sites for which no owner or operator  
7 submitted a notification form.

8 “(C) REPORT.—Not later than 3 years  
9 after the date of enactment of this section, the  
10 Administrator shall transmit to Congress a re-  
11 port on waste tire generation, management, col-  
12 lection, storage, recycling, and disposal based  
13 on the information included in State applica-  
14 tions.

15 “(7) APPROVAL OR DISAPPROVAL OF STATE  
16 PROGRAMS.—

17 “(A) IN GENERAL.—A State program sub-  
18 mitted under this section shall be deemed ap-  
19 proved, unless disapproved by the Adminis-  
20 trator.

21 “(B) GROUNDS FOR DISAPPROVAL.—The  
22 Administrator shall disapprove any program  
23 submitted by a State, if the Administrator de-  
24 termines that—

1 “(i) the authorities contained in the  
2 program are not adequate to ensure com-  
3 pliance by tire haulers, tire collectors, and  
4 tire processors within the State with the  
5 requirements of this section;

6 “(ii) adequate authority does not  
7 exist, or adequate resources are not avail-  
8 able, to implement the program;

9 “(iii) the program does not provide  
10 adequate assurance that all waste tire  
11 dumps and waste tire stockpiles will be  
12 abated by the dates required under sub-  
13 section (c); or

14 “(iv) the program is not otherwise in  
15 compliance with the guidance issued by the  
16 Administrator under paragraph (2) or is  
17 not likely to satisfy, in whole or in part,  
18 the purposes of this section.

19 “(C) NECESSARY REVISIONS OR MODIFICA-  
20 TIONS.—If the Administrator disapproves a  
21 State program, the Administrator shall notify  
22 the State of any revision or modification that is  
23 necessary to obtain approval.

1           “(D) RESUBMISSION.—The State may re-  
 2           vise and resubmit the program for review and  
 3           approval pursuant to this subsection.

4           “(E) NONCOMPLIANCE.—

5           “(i) IN GENERAL.—If the Adminis-  
 6           trator determines that a State is not ad-  
 7           ministering a program in accordance with  
 8           the guidance published under paragraph  
 9           (2) or the requirements of this section, the  
 10          Administrator shall—

11           “(I) notify the State of the deter-  
 12          mination (including the reasons for  
 13          the determination); and

14           “(II) if action that will ensure  
 15          prompt compliance is not taken within  
 16          180 days after notification, disapprove  
 17          the program.

18          “(ii) NOTIFICATION REQUIRED BE-  
 19          FORE DISAPPROVAL.—The Administrator  
 20          shall not disapprove any program under  
 21          this subparagraph unless the Adminis-  
 22          trator has notified the State of the dis-  
 23          approval (including the reasons for the dis-  
 24          approval) and made the disapproval (and  
 25          reasons) public.

1                   “(iii) FEDERAL PROGRAM.—At the  
 2                   time of disapproving a State program  
 3                   under this subparagraph, the Adminis-  
 4                   trator shall establish a Federal program  
 5                   applicable in the State pursuant to sub-  
 6                   section (h).

7                   “(8) ENFORCEMENT.—This subsection shall not  
 8                   prevent the Administrator from enforcing any re-  
 9                   quirement of this section.

10                  “(9) GRANTS AND TECHNICAL ASSISTANCE.—

11                   “(A) GRANTS.—The Administrator may  
 12                   make a grant to a State from the Waste Tire  
 13                   Recycling, Abatement, and Disposal Trust  
 14                   Fund to develop and implement a waste tire re-  
 15                   cycling, abatement, and disposal program under  
 16                   this section.

17                   “(B) ASSISTANCE.—The Administrator  
 18                   may provide assistance to a State or local gov-  
 19                   ernment agency, or to other persons on a cost  
 20                   recovery basis, with respect to techniques for  
 21                   waste tire recycling, processing, and abatement.

22                  “(g) STATE AUTHORITY.—Nothing in this section  
 23                   shall prevent a State or political subdivision from imposing  
 24                   an additional or more stringent requirement on—

1           “(1) a tire hauler, tire collector, or tire proc-  
2       essor;

3           “(2) the management, storage, processing, recy-  
4       cling, abatement, or disposal of waste tires; or

5           “(3) a waste tire collection site.

6       “(h) FEDERAL PROGRAM.—

7           “(1) IN GENERAL.—If a State has not submit-  
8       ted a waste tire recycling, abatement, and disposal  
9       program or is not adequately administering and en-  
10      forcing such a program in accordance with this sec-  
11      tion, the Administrator shall establish, administer,  
12      and enforce a waste tire recycling, abatement, and  
13      disposal program for the State to ensure compliance  
14      with this section.

15       “(2) DATE OF ESTABLISHMENT.—

16           “(A) NO STATE PROGRAM.—If a State has  
17      not submitted a waste tire recycling, abatement,  
18      and disposal program by the date that is 3  
19      years after the date of enactment of this sec-  
20      tion, the Administrator shall establish a pro-  
21      gram under paragraph (1) on that date.

22           “(B) WITHDRAWN APPROVAL.—The Ad-  
23      ministrator shall establish a program under  
24      paragraph (1) for a State for which approval is

1 withdrawn under subsection (f)(7) on the date  
2 of disapproval.

3 “(3) PERMITS AND FEES.—

4 “(A) IN GENERAL.—The Administrator  
5 may issue a permit or collect a fee in lieu of a  
6 State pursuant to paragraphs (3) and (4) of  
7 subsection (f).

8 “(B) USE OF FUNDS.—Any amounts col-  
9 lected by the Administrator under subpara-  
10 graph (A) shall be placed in the Waste Tire Re-  
11 cycling, Abatement, and Disposal Trust Fund  
12 for use under subsection (k).

13 “(i) ABATEMENT AND RESPONSE AUTHORITIES.—

14 “(1) IN GENERAL.—To ensure compliance with  
15 subsection (c), the Administrator may—

16 “(A) order the owner or operator of a  
17 waste tire dump, waste tire stockpile, or other  
18 collection site or any person that has trans-  
19 ported waste tires to a waste tire dump, waste  
20 tire stockpile, or other collection site to abate  
21 the dump, stockpile, or site, including issuing  
22 an enforceable schedule for removal of waste  
23 tires from the dump, stockpile, or site; and

24 “(B) undertake action to abate a tire col-  
25 lection site using funds from the Waste Tire

1           Recycling, Abatement, and Disposal Trust  
2           Fund.

3           “(2) CIVIL ACTION.—The Administrator may  
4           bring an action on behalf of the United States in the  
5           appropriate district court against the owner or oper-  
6           ator of a waste tire dump, waste tire stockpile, or  
7           waste tire collection site or any other person that  
8           has transported waste tires to a waste tire dump,  
9           waste tire stockpile, or waste tire collection site to  
10          immediately restrain the person from operating,  
11          maintaining, or depositing waste tires at the dump,  
12          stockpile, or site or to take such other action as is  
13          necessary to protect human health or the environ-  
14          ment.

15          “(3) ADDITIONAL ACTION.—If bringing an ac-  
16          tion under paragraph (2) is not sufficient to ensure  
17          prompt protection of human health or the environ-  
18          ment, the Administrator may issue such orders as  
19          are necessary to protect human health and the envi-  
20          ronment.

21          “(4) NOTIFICATION.—Prior to taking any ac-  
22          tion under this subsection, the Administrator shall  
23          notify the appropriate State and local governments  
24          of the action proposed to be taken.

1           “(5) VIOLATIONS.—Any person that, without  
 2           sufficient cause, willfully violates, or fails or refuses  
 3           to comply with, an order of the Administrator under  
 4           paragraph (3) may, in an action brought in the ap-  
 5           propriate United States district court to enforce the  
 6           order, be fined not more than \$25,000 for each day  
 7           during which the violation occurs or the failure to  
 8           comply continues.

9           “(6) LIABILITY FOR ABATEMENT COSTS.—

10           “(A) IN GENERAL.—If the Administrator  
 11           takes an abatement action under paragraph (1)  
 12           for a waste tire collection site, the owner or op-  
 13           erator of the site or any other person that has  
 14           transported tires to the site shall be liable to  
 15           the Administrator in the appropriate United  
 16           States district court for all reasonable costs in-  
 17           curred in the abatement.

18           “(B) USE OF FUNDS.—Any funds recov-  
 19           ered under subparagraph (A) shall be deposited  
 20           in the Waste Tire Recycling, Abatement, and  
 21           Disposal Trust Fund.

22           “(j) PUBLIC LANDS.—

23           “(1) IN GENERAL.—Not later than 2 years  
 24           after the date of enactment of this section, after no-  
 25           tice and opportunity for public comment, the Sec-



retary of the Interior, the Administrator of the General Services Administration, and the head of each other Federal department, agency, or instrumentality that owns land on which a tire collection site is located shall, in consultation with the Administrator of the Environmental Protection Agency, prepare and commence to implement a plan to abate waste tire dumps and waste tire stockpiles that are located on land owned by the United States.

“(2) TIME LIMIT.—A plan under paragraph (1) shall ensure that any waste tires in waste tire dumps and waste tire stockpiles shall be properly disposed, recycled, or transferred to the operators of tire processing facilities as expeditiously as practicable and not later than December 31, 2002.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior, the Administrator of the General Services Administration, and the head of each other Federal department, agency, or instrumentality that owns land on which a tire collection site is located from the Waste Tire, Recycling, Abatement, and Disposal Trust Fund such sums as are necessary to carry out this subsection.

“(k) USE OF TRUST FUND APPROPRIATIONS.—

1           “(1) STATE GRANTS.—The Administrator may  
2           make a grant to a State to develop and implement  
3           a State program under subsection (f) and to carry  
4           out this section.

5           “(2) SHREDDING CAPACITY.—

6                   “(A) IN GENERAL.—In making a grant  
7                   under paragraph (1), the Administrator shall  
8                   give highest priority to ensuring that adequate  
9                   capacity is available to convert any waste tires  
10                  newly removed from motor vehicles to shredded  
11                  tire material beginning not later than 1 year  
12                  after the date of enactment of this section.

13                   “(B) EMERGENCY GRANTS.—The Adminis-  
14                  trator may make an emergency grant to a  
15                  State, using the borrowing authority of the  
16                  Waste Tire Recycling, Abatement, and Disposal  
17                  Trust Fund, to ensure the shredding capacity  
18                  described in subparagraph (A).

19           “(3) ABATEMENT ON PUBLIC LANDS.—The  
20           Secretary of the Treasury may transfer, subject to  
21           appropriations, amounts from the Waste Tire Recy-  
22           cling, Abatement, and Disposal Trust Fund to the  
23           Secretary of the Interior, the Administrator of the  
24           General Services Administration, or the head of any  
25           other Federal department, agency, or instrumental-

1       ity that owns land on which a waste tire collection  
2       site is located to abate the collection site.

3               “(4) FEDERAL PROCUREMENT.—The Secretary  
4       of the Treasury may transfer, subject to appropria-  
5       tions, amounts from the Waste Tire Recycling,  
6       Abatement, and Disposal Trust Fund to the Sec-  
7       retary of Transportation or to the head of any other  
8       Federal department, agency, or instrumentality en-  
9       gaged in road building to offset any additional cost  
10      associated with the procurement of asphalt pavement  
11      containing recycled rubber for road construction,  
12      surfacing, or resurfacing.

13              “(5) FEDERAL PROGRAMS AND ABATEMENT AC-  
14      TIONS.—There is authorized to be appropriated from  
15      the Waste Tire Recycling, Abatement, and Disposal  
16      Trust Fund to the Administrator such funds as are  
17      necessary to—

18                      “(A) implement and enforce any Federal  
19                      program established under subsection (h); and

20                      “(B) take any abatement action pursuant  
21                      to subsection (i).

22              “(6) RESEARCH.—

23                      “(A) GRANTS AND CONTRACTS.—The Ad-  
24                      ministrator may use funds appropriated from  
25                      the Waste Tire Recycling, Abatement, and Dis-

posal Trust Fund to make a grant or enter into  
a contract or cooperative agreement with a per-  
son to conduct research and development on—

“(i) waste tire processing and recycling technologies; or

“(ii) the use, performance, and marketability of products made from crumb rubber or other materials produced from waste tire processing.

“(B) RESEARCH PROGRAM.—

“(i) IN GENERAL.—The Administrator, in cooperation with the Secretary of Transportation, shall conduct a program of research to determine—

“(I) the public health and environmental risks associated with the production and use of asphalt pavement containing recycled rubber;

“(II) the performance of asphalt pavement containing recycled rubber under various climate and use conditions; and

“(III) the degree to which asphalt pavement containing recycled rubber can be recycled.

1                   “(ii) DATE OF COMPLETION.—The  
 2                   Administrator shall complete the research  
 3                   program under clause (i) not later than 3  
 4                   years after the date of enactment of this  
 5                   section.

6                   “(7) AUTHORIZATION OF APPROPRIATIONS.—  
 7                   There is authorized to be appropriated from the  
 8                   Waste Tire Recycling, Abatement, and Disposal  
 9                   Trust Fund such sums as are necessary to carry out  
 10                  this subsection.

11                  “(1) ENFORCEMENT.—

12                  “(1) COMPLIANCE ORDERS.—

13                  “(A) ISSUANCE.—

14                         “(i) IN GENERAL.—If (on the basis of  
 15                         any information) the Administrator deter-  
 16                         mines that a person has violated, or is in  
 17                         violation of, any requirement or prohibition  
 18                         in effect under this section (including any  
 19                         requirement or prohibition in effect under  
 20                         regulations promulgated to carry out this  
 21                         section), the Administrator may—

22                                 “(I) issue an order assessing a  
 23                                 civil penalty for any past or current  
 24                                 violation, or requiring compliance im-

1                   mediately or within a specified time  
2                   period, or both; or

3                   “(II) commence a civil action in  
4                   the United States district court in the  
5                   district in which the violation occurred  
6                   for appropriate relief, including a tem-  
7                   porary or permanent injunction.

8                   “(ii) NATURE OF VIOLATION.—Any  
9                   order issued pursuant to clause (i)(I) shall  
10                  state with reasonable specificity the nature  
11                  of the violation.

12                  “(B) PENALTIES.—

13                  “(i) IN GENERAL.—Any penalty as-  
14                  sessed in an order under this subsection  
15                  shall not exceed \$25,000 per day of non-  
16                  compliance for each violation of a require-  
17                  ment or prohibition in effect under this  
18                  section.

19                  “(ii) FACTORS.—In assessing the pen-  
20                  alty, the Administrator shall take into ac-  
21                  count the seriousness of the violation and  
22                  any good faith efforts to comply with appli-  
23                  cable requirements.

24                  “(C) PUBLIC HEARINGS.—

1 “(i) IN GENERAL.—Any order issued  
 2 under this paragraph shall become final  
 3 unless, not later than 30 days after the is-  
 4 suance of the order, the persons named in  
 5 the order request a public hearing.

6 “(ii) HEARING REQUIRED.—On re-  
 7 ceipt of the request, the Administrator  
 8 shall promptly conduct a public hearing.

9 “(iii) ADMINISTRATION.—In connec-  
 10 tion with any proceeding under this para-  
 11 graph, the Administrator may issue sub-  
 12 poenas for the production of relevant pa-  
 13 pers, books, and documents, and may pro-  
 14 mulgate rules for discovery.

15 “(D) NONCOMPLIANCE.—In the case of a  
 16 final order under this paragraph requiring com-  
 17 pliance with any requirement of this section (in-  
 18 cluding a regulation), if a violator, without suf-  
 19 ficient cause, fails to take corrective action  
 20 within the time specified in the order, the Ad-  
 21 ministrator may assess a civil penalty of not  
 22 more than \$25,000 for each day of continued  
 23 noncompliance with the order.

24 “(2) CRIMINAL PENALTIES.—

25 “(A) IN GENERAL.—Any person that—

1 “(i) knowingly violates the require-  
2 ments of this section (including a regula-  
3 tion); or

4 “(ii) knowingly omits material infor-  
5 mation or makes any false material state-  
6 ment or representation in any record, re-  
7 port, or other document filed, maintained,  
8 or used for purposes of compliance with  
9 this section (including a regulation);

10 shall, on conviction, be subject to a fine of not  
11 more than \$50,000 for each day of violation or  
12 imprisonment for not to exceed 2 years, or  
13 both.

14 “(B) REPEAT OFFENSES.—If the convic-  
15 tion is for a violation committed after a first  
16 conviction of the person under this paragraph,  
17 the maximum punishment shall be doubled with  
18 respect to both the fine and imprisonment.

19 “(3) CIVIL PENALTIES.—

20 “(A) IN GENERAL.—Any person that vio-  
21 lates any requirement of this section (including  
22 a regulation) shall be liable to the United  
23 States for a civil penalty in an amount not to  
24 exceed \$25,000 for each such violation.



1                   “(B) SEPARATE VIOLATIONS.—For pur-  
 2                   poses of subparagraph (A), each day of the vio-  
 3                   lation shall constitute a separate violation.”.

4 **SEC. 4. ADDITIONAL PROCUREMENT GUIDELINES.**

5           Section 6002(e) of the Solid Waste Disposal Act (42  
 6 U.S.C. 6963(e)) is amended by inserting after “October  
 7 1, 1985.” the following: “Not later than December 31,  
 8 1999, the Administrator shall prepare final guidelines for  
 9 rubber products (including asphalt pavement) containing  
 10 crumb rubber derived by processing waste tires.”.

11 **SEC. 5. CONFORMING AMENDMENT.**

12           The table of contents in section 1001 of the Solid  
 13 Waste Disposal Act (42 U.S.C. 6901) is amended by add-  
 14 ing at the end of the items relating to subtitle D the fol-  
 15 lowing:

“Sec. 4011. Waste tire recycling, abatement, and disposal.”.

