

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.

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

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(e).

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 ministrators 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-

1 retary of the Interior, the Administrator of the Gen-
2 eral Services Administration, and the head of each
3 other Federal department, agency, or instrumentality
4 that owns land on which a tire collection site is
5 located shall, in consultation with the Administrator
6 of the Environmental Protection Agency, prepare
7 and commence to implement a plan to abate waste
8 tire dumps and waste tire stockpiles that are located
9 on land owned by the United States.

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

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

25 “(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 ministrators may use funds appropriated from
25 the Waste Tire Recycling, Abatement, and Dis-

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

4 “(i) waste tire processing and recy-
5 cling technologies; or

6 “(ii) the use, performance, and mar-
7 ketability of products made from crumb
8 rubber or other materials produced from
9 waste tire processing.

10 “(B) RESEARCH PROGRAM.—

11 “(i) IN GENERAL.—The Adminis-
12 trator, in cooperation with the Secretary of
13 Transportation, shall conduct a program of
14 research to determine—

15 “(I) the public health and envi-
16 ronmental risks associated with the
17 production and use of asphalt pave-
18 ment containing recycled rubber;

19 “(II) the performance of asphalt
20 pavement containing recycled rubber
21 under various climate and use condi-
22 tions; and

23 “(III) the degree to which as-
24 phalt pavement containing recycled
25 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.”.

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