

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3478

By Delegates Hillenbrand, Chiarelli, Coop-Gonzalez,

Warner, Hanna, and Forsht

[Introduced February 14, 2023; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §22-15-21 of the Code of West Virginia, 1931, as amended, relating
 2 to the disposition of used tires by state residents; requiring dealers to collect a tire disposal
 3 fee at purchase of new tires, effective July 1, 2024; and providing that retail dealers collect
 4 waste tires for recycling or proper disposal without charge.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. SOLID WASTE MANAGEMENT ACT.

§22-15-21. Waste tire management.

1 (a) No person, except those persons who have received and maintained a valid permit or
 2 license from the state for the operation of a solid waste facility, waste tire monofill, waste tire
 3 processing facility, or other such permitted activities, shall accumulate waste tires without
 4 obtaining a license or permit from the Division: *Provided*, That persons who use waste tires for
 5 beneficial uses may in the discretion of the Secretary of the Department of Environmental
 6 Protection accumulate waste tires without a permit.

7 (b) No person shall may dispose of waste tires in or upon any public or private land, any
 8 site or facility other than a site or facility which holds a valid permit issued by the Department for
 9 such disposal or usage.

10 (c) No person shall may knowingly transport or knowingly allow waste tires under his or her
 11 control to be transported to a site or facility that does not have a valid permit or license to accept
 12 waste tires.

13 (d) No person shall may engage in the open burning of waste tires.

14 (e) Persons who violate this article are subject to all enforcement actions available to the
 15 Secretary under the provisions of §22-15-15 of this code.

16 (f) Except as otherwise provided in subsection (g) of this section, each retailer ~~is required~~
 17 ~~to shall~~ accept one tire of comparable size for each new tire sold at retail. The retailer ~~may~~ shall
 18 charge and collect a disposal fee to cover the actual costs of lawful waste tire disposal at the time
 19 of sale. No retail tire dealer may deliver any waste tire, or part thereof, to a person not authorized

20 by the State of West Virginia to transport or accept waste tires. Retail dealers shall collect waste
21 tires for recycling or proper disposal without charge.

22 (g) Any person purchasing a new tire from a retailer ~~must~~ shall provide a used or waste tire
23 for each tire purchased or sign a waiver, provided to the tire retailer by the Department,
24 acknowledging that he or she is retaining the waste tire and that he or she is legally responsible for
25 proper disposal of each tire retained. These forms are to be kept by the retailer for three years. If
26 the tire purchaser returns to the tire retailer with a signed form given to the purchaser by that
27 retailer, the retailer must accept up to the total number of comparable size tires as previously
28 retained by the purchaser: *Provided*, That persons having winter tires changed or buying new
29 winter tires and keeping usable summer tires for later installation are not required to provide a
30 used or waste tire or sign a waiver.

31 (h) Each tire retailer shall post in a conspicuous place a written notice, provided by the
32 Department, that bears the following statements:

33 (1) "State law requires us to accept your (old) waste tires for recycling or proper disposal if
34 you purchase new tires from us."

35 (2) "State law authorizes us to charge you no more than the actual cost of disposal of your
36 waste tires even if you do not leave your tires with us."

37 (3) "It is a crime to burn, bury, abandon or throw away waste tires without authorization and
38 or permits from the Department of Environmental Protection."

39 This notice must be at least eight and one-half inches wide and eleven inches high.

40 Is there a way we could also add something to this bill to prevent people from collecting
41 tires from out of state and bringing them to WV just to collect the redemption fee?

42 (i) Solid waste facilities shall accept whole waste tires and may charge a reasonable fee for
43 acceptance of waste tires. All waste tires except those disposed of in a landfill shall be excluded
44 from the calculation of monthly tonnage limits and from any solid waste disposal assessment fees
45 imposed by §22-15A-19; §22-15-11; §22-16-4; and §22C-4-30 of this code.

46 (j) Solid waste facilities shall accept and dispose of whole tires from state authorized tire
47 remediation projects. All waste tires from state authorized tire remediation projects except those
48 disposed of in a landfill shall be excluded from the calculation of monthly tonnage limits and from
49 any solid waste disposal assessment fees imposed by §22-15A-19; §22-15-11, §22-16-4;§22-16-
50 4, §22-16-1 *et seq.*; and §22C-4-30 of this code. For state-sponsored tire remediation projects, the
51 state may negotiate with the solid waste facility for rates and charges for the disposal of waste tires
52 regardless of the rates and charges established by the Public Service Commission pursuant to
53 §24-1-1 *et seq.* of this code: *Provided*, That the disposal of whole tires in a solid waste facility is
54 allowed only when the Department of Environmental Protection has determined there is no other
55 reasonable alternative available.

56 (k) The Department shall propose for legislative promulgation emergency and legislative
57 rules to effectuate the purposes of this section.

58 (l) The amended provisions of subsection (f) of this section shall become effective July 1,
59 2024.

NOTE: The purpose of this bill is to provide for the disposition of used tires by state residents. It requires dealers to collect a tire disposal fees at time of purchase of new tires, effective July 1, 2024; and that retail dealers collect waste tires for recycling or proper disposal without charge.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.