

IN THE SENATE

SENATE BILL NO. 1089

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO WASTE TIRE DISPOSAL AND RECYCLING; REPEALING CHAPTER 65, TITLE  
2 39, IDAHO CODE, RELATING TO WASTE TIRE DISPOSAL; AMENDING TITLE 39,  
3 IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 65, TITLE 39, IDAHO CODE,  
4 TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE  
5 TERMS, TO ESTABLISH PROVISIONS REGARDING WASTE TIRE STORAGE SITES, TO  
6 PROVIDE FOR WASTE TIRE DISPOSAL, TO ESTABLISH PROVISIONS REGARDING THE  
7 TRANSPORT OF WASTE TIRES, TO ESTABLISH A WASTE TIRE RECYCLING FEE, TO  
8 ESTABLISH A WASTE TIRE RECYCLING AND REMEDIATION FUND, TO ESTABLISH A  
9 PILOT PROJECT, TO PROVIDE FOR THE PAYMENT OF A WASTE TIRE RECYCLING FEE  
10 AND ADMINISTRATIVE CHARGE, TO PROVIDE FOR PARTIAL REIMBURSEMENT, TO  
11 ESTABLISH LIMITATIONS ON REIMBURSEMENT, TO ESTABLISH PROHIBITED ACTS,  
12 TO PROVIDE FOR THE RECYCLING AND REUSE OF WASTE TIRES, TO ESTABLISH  
13 PENALTIES, TO PROVIDE FOR APPLICABILITY, TO REQUIRE A CERTAIN ANNUAL  
14 REPORT TO THE LEGISLATURE, AND TO PROVIDE FOR RULEMAKING AUTHORITY; AND  
15 DECLARING AN EMERGENCY.  
16

17 Be It Enacted by the Legislature of the State of Idaho:

18 SECTION 1. That Chapter 65, Title 39, Idaho Code, be, and the same is  
19 hereby repealed.

20 SECTION 2. That Title 39, Idaho Code, be, and the same is hereby amended  
21 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
22 ter 65, Title 39, Idaho Code, and to read as follows:

23 CHAPTER 65

24 WASTE TIRE DISPOSAL AND RECYCLING

25 39-6501. SHORT TITLE. This chapter shall be known and may be cited as  
26 the "Waste Tire Disposal and Recycling Act."

27 39-6502. LEGISLATIVE FINDINGS. (1) The state of Idaho supports and  
28 encourages the reuse and recycling of waste tires. The legislature finds  
29 the paramount public interest in regulating waste tires is to protect public  
30 health and safety. In particular, the legislature is concerned with elimi-  
31 nating potential fire hazards, minimizing or eliminating potential breeding  
32 grounds for disease-bearing insects, and eliminating potential sources of  
33 surface and ground water contamination.

34 (2) The legislature finds that the Idaho department of environmental  
35 quality identified twenty-two (22) abandoned tire piles in the state of  
36 Idaho.

37 (3) The legislature finds that the disposal of waste tires is a matter  
38 of statewide concern and that recycling of waste tires should be promoted  
39 considering the health, environmental, economic benefits, and fire safety  
40 benefits.

1 (4) The legislature further finds that the recycling of waste tires  
2 will decrease the number of tires disposed in landfills and reduce the health  
3 and safety hazards posed by abandoned waste tire storage sites not in compli-  
4 ance with this chapter.

5 (5) The legislature further finds that the establishment of a fee to  
6 be used for partial reimbursement of the costs of transporting, processing,  
7 and recycling waste tires; for remediation of waste tire storage sites that  
8 are not permitted by or have not received written county or city authoriza-  
9 tion for operation; for providing moneys to cities and counties to enforce  
10 the provisions of this chapter; and for administration of this chapter by the  
11 department of environmental quality is environmentally and economically in  
12 the best interest of the state.

13 39-6503. DEFINITIONS. As used in this chapter:

14 (1) "Abandoned waste tire storage site" means a site that contains more  
15 than two hundred (200) tires and is not permitted by a city or county or is  
16 otherwise in violation of this chapter.

17 (2) "Beneficial reuse" means the conversion of a waste tire to a product  
18 that is environmentally useful.

19 (3) "City" means the city where the waste tire storage site is located.

20 (4) "Commission" means the Idaho state tax commission.

21 (5) "County" means the county where the waste tire storage site is lo-  
22 cated.

23 (6) "Department" means the Idaho department of environmental quality.

24 (7) "Director" means the director of the department.

25 (8) "Dispose" means to drop, deposit, dump, spill, or permanently place  
26 any waste tire onto or under the ground or into the waters of this state or  
27 to own or control property where waste tires are dropped, deposited, dumped,  
28 spilled, or permanently placed onto or under the ground or into the waters of  
29 this state.

30 (9) "End product" means a product that has component material derived  
31 from waste tires and that the department has determined to have a demon-  
32 strated market and substantial recycled tire content.

33 (10) "Existing waste tire storage site" means any property storing  
34 waste tires prior to recycle, reuse, or final disposal, regardless of  
35 whether the owner or operator possesses a permit or other written city or  
36 county authorization authorizing the storage of waste tires at the property.

37 (11) "Fund" means the waste tire recycling and remediation fund estab-  
38 lished pursuant to section 39-6508, Idaho Code.

39 (12) "Ground rubber" means waste tires that have been ground, shredded,  
40 or otherwise reduced in size such that the particles are less than or equal  
41 to three quarters (3/4) of an inch in diameter and are ninety-eight percent  
42 (98%) wire-free by weight.

43 (13) "Materials derived from waste tires" means ground rubber, tire  
44 sections, tire shreds, rubber, steel, fabric, or other similar materials  
45 derived from waste tires.

46 (14) "Mining waste tire" means a waste tire that is greater than fifty-  
47 four (54) inches in diameter and was used in mining operations. Mining waste  
48 tires may be disposed of by burial. The department of lands shall prepare  
49 guidelines to govern the burial of mining waste tires.

1 (15) "Motor vehicle tire" has the same meaning as provided in section  
2 49-121(2), Idaho Code, with such tires used on a motor vehicle that operates  
3 on the roads of the state.

4 (16) "New waste tire storage site" means any property that is not stor-  
5 ing waste tires and applies for and receives a permit or other written city or  
6 county authorization to store waste tires prior to recycle, reuse, or final  
7 disposal.

8 (17) "Operator" means any person presently or who was during any period  
9 of waste tire storage or disposal in control of or having responsibility for  
10 a waste tire storage site or a waste tire disposal site.

11 (18) "Owner" means a person who previously owned a waste tire storage  
12 site or disposal site at any time waste tires were stored or disposed at the  
13 property and the current owner of the waste tire storage site or waste tire  
14 disposal site.

15 (19) "Person" means an individual, public or private corporation, part-  
16 nership, association, firm, joint stock company, joint venture, trust, es-  
17 tate, municipality, commission, political subdivision of the state, state  
18 or federal agency, department or instrumentality, special district, inter-  
19 state body or any legal entity that is recognized by law as the subject of  
20 rights and duties.

21 (20) "Recycler" means a business operating in the state that annually  
22 uses:

23 (a) Or can reasonably be expected during the next year to use a minimum  
24 of one hundred thousand (100,000) waste tires generated in the state or  
25 one thousand two hundred fifty (1,250) tons of waste tires generated in  
26 the state to recover energy or produce energy, ground rubber, or an end  
27 product; or

28 (b) One hundred twenty-five (125) tons or more of waste tires generated  
29 in the state in end products.

30 (21) "Retail tire dealer" means any person actively engaged in the busi-  
31 ness of selling new, used, or retread replacement tires at the retail level.

32 (22) "Store" or "storage" means to accumulate more than two hundred  
33 (200) waste tires at any time in a manner that does not constitute final  
34 disposal at a waste tire disposal site or to own or control property on which  
35 more than two hundred (200) waste tires accumulate at any given time in a  
36 manner that does not constitute final disposal at a waste tire disposal site.  
37 The following activities shall not constitute "storing" or "storage" of  
38 waste tires:

39 (a) A retail tire dealer collecting less than one thousand five hundred  
40 (1,500) waste tires at any point in time for each retail business loca-  
41 tion;

42 (b) A tire retreader collecting less than three thousand (3,000) waste  
43 tires at any point in time for each individual retread operation as long  
44 as the waste tires are of the type the retreader is actively retreading;

45 (c) A wrecking salvage business collecting less than one thousand five  
46 hundred (1,500) waste tires for each retail business location;

47 (d) A waste tire disposal site collecting waste tires for disposal at  
48 the site in accordance with the site's approved operating plan;

1 (e) A wholesale tire dealer collecting less than one thousand five hun-  
2 dred (1,500) waste tires at any point in time for each wholesale busi-  
3 ness location;

4 (f) An approved solid waste transfer station or solid waste landfill  
5 collecting less than one thousand five hundred (1,500) waste tires  
6 prior to transfer to an approved waste tire storage or disposal site;

7 (g) A farm or livestock operation that utilizes waste tires to secure  
8 farm or livestock silage or wastes provided the total number of waste  
9 tires shall not exceed one thousand five hundred (1,500); or

10 (h) A recycler using a total amount of waste tires that does not exceed  
11 three thousand (3,000) tons. However, a tire recycler may possess more  
12 tires than are provided for in this paragraph if such tire recycler sat-  
13 isfies a bonding requirement as provided for in this chapter.

14 (23) "Tire retreader" means any person actively engaged in the business  
15 of retreading tires by scarifying the surface to remove the old surface tread  
16 and attaching a new tread to make a usable tire.

17 (24) "Transport" or "transporting" means picking up or hauling waste  
18 tires.

19 (25) "Waste tire" means a motor vehicle tire originally used for opera-  
20 tion of a vehicle on a public roadway that is no longer suitable for its orig-  
21 inal intended purpose because of wear, damage, or defect.

22 (26) "Waste tire disposal site" means a public or private municipal  
23 solid waste landfill operating in compliance with section 39-6504, Idaho  
24 Code.

25 (27) "Waste tire storage site" means a new or existing waste tire stor-  
26 age site.

27 (28) "Wholesale tire dealer" means any person engaged in the business of  
28 selling new replacement tires to tire retailers.

29 (29) "Wrecking salvage business" means any establishment or place of  
30 business that is maintained, used, or operated for storing, keeping, buying,  
31 or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor  
32 vehicle parts.

33 39-6504. WASTE TIRE STORAGE SITES. (1) No person shall store waste  
34 tires on any public or private property in this state or in the waters of this  
35 state unless the property is a waste tire storage site as defined or other-  
36 wise exempted in this chapter.

37 (2) No person shall own or operate a waste tire storage site without a  
38 permit or other written county or city authorization.

39 (a) Counties and cities shall only issue permits or other written au-  
40 thorizations that contain terms and conditions that assure waste tire  
41 storage sites are operated in compliance with this chapter and any addi-  
42 tional requirements the county or city deems appropriate.

43 (b) If a county or city determines not to issue a permit, other writ-  
44 ten authorization, or a modification to an existing permit or approval  
45 for an existing waste tire storage site, the existing waste tire stor-  
46 age site shall cease storing waste tires no later than three (3) months  
47 after receiving notice of the determination not to issue a permit, other  
48 written authorization, or modification for the site.

1 (c) The current owner or operator of a new waste tire storage site  
2 shall not commence waste tire storage at the site until the county or  
3 city issues a permit or other written authorization permitting waste  
4 tire storage. A recycler who owns and operates a recycling facility  
5 in the state of Idaho on the effective date of this chapter shall not  
6 be required to obtain any permits, licenses, or other authorizations  
7 from a county or city. In addition to the provisions of this section, a  
8 recycler shall be regulated as provided for in section 39-6503(22)(h),  
9 Idaho Code.

10 (d) Counties and cities shall issue permits and other written local au-  
11 thorizations for waste tire storage sites. Upon written request from  
12 the city council or board of county commissioners to the department, the  
13 department shall be responsible for the permitting and authorization  
14 requirements of this section with respect to any application submitted  
15 to the county or city, in lieu of the county or city.

16 (e) The owner or operator of a waste tire storage site shall maintain  
17 financial assurance in the form of a cash bond payable to the county or  
18 city, in an amount acceptable to the county or city where the waste tire  
19 storage site is located; provided however, counties and cities shall  
20 require a minimum initial financial assurance of two dollars and fifty  
21 cents (\$2.50) per tire authorized to be stored at the site. The amount  
22 of financial assurance shall be adjusted each year in accordance with  
23 the consumer price index on the anniversary date of the issuance of the  
24 permit or other city or county written authorization. Failure to ad-  
25 just the amount of financial assurance on the anniversary date each year  
26 shall constitute failure to comply with the provisions of this chapter  
27 and shall result in automatic revocation of the permit or other writ-  
28 ten city or county authorization and forfeiture of the bond. Cities and  
29 counties shall only process an application submitted under this section  
30 when documentation submitted with the application establishes compli-  
31 ance with the financial assurance requirement of this paragraph. The  
32 current owner or operator of a new waste tire storage site shall com-  
33 ply with the financial assurance requirement of this section prior to  
34 commencing waste tire storage at the site. Upon written request from  
35 the city council or board of county commissioners to the department, the  
36 cash bond will be written in favor of the department, in lieu of the city  
37 or county. In such cases, the department will oversee use of the bond  
38 should two (2) bond holders become liable on the bond obligation.

39 (f) Counties and cities shall only issue a permit or written authoriza-  
40 tion to a waste tire storage site when the application establishes that  
41 the proposed or existing site is located on property owned as exclu-  
42 sively for industrial use.

43 (g) Counties and cities may charge a fee for processing a waste tire  
44 storage site permit or authorization application or renewal.

45 (h) Owners and operators of a waste tire storage site shall record and  
46 maintain on-site operational records for a period of three (3) years,  
47 including but not limited to the daily quantity of tires transported  
48 to and from the site and the estimated quantity of tires located at the  
49 site.

1 (i) The county or city may suspend, revoke, or refuse to renew a waste  
 2 tire storage site's permit or written authorization if the county or  
 3 city determines that the site is operating in violation of any require-  
 4 ment of this chapter or any term or condition of the site's permit or  
 5 written authorization.

6 (3) In the event the current owner or operator of an existing or new  
 7 waste tire storage site fails to comply with the requirements of this sec-  
 8 tion, the board of county commissioners or city council may declare the site  
 9 a public nuisance and may declare a public health or safety emergency based  
 10 on potential fire hazard, threat of insect borne disease, or potential con-  
 11 tamination of the state's ground or surface waters. If the respective gov-  
 12 erning authority has declared a public health or safety emergency, the di-  
 13 rector is authorized and directed to use the fund created in section 39-6508,  
 14 Idaho Code, for the purpose of removing and properly disposing of the tires  
 15 upon the recommendation of the state fire marshal in the event of fire haz-  
 16 ard, the district health department in the event of insect borne disease haz-  
 17 ard, or the department in the event of ground or surface water contamination  
 18 hazard.

19 (a) The director shall be authorized to expend funds from the waste tire  
 20 recycling and remediation fund if revenues in the fund are sufficient to  
 21 cover the costs or, if revenues in the waste tire recycling and remedi-  
 22 ation fund are not sufficient to cover the costs, then against the gen-  
 23 eral fund, subject to approval by the board of examiners.

24 (b) Nothing contained in this subsection shall be construed to change  
 25 or impair any right of recovery or subrogation arising under any other  
 26 provision of law.

27 (c) The prosecuting attorney of the relevant county may act to fully re-  
 28 cover all costs incurred by the state of Idaho and its political subdivi-  
 29 sions pursuant to this subsection, including but not limited to seek-  
 30 ing recovery from the owners and operators of an existing or new waste  
 31 tire storage site of the cost of any grant that may have been awarded  
 32 pursuant to this chapter.

33 39-6505. WASTE TIRE DISPOSAL. (1) No person shall dispose of waste  
 34 tires on any public or private property in this state or in the waters of this  
 35 state except at permitted public or private municipal solid waste landfills  
 36 that have been approved to accept waste tires in their operating plans.

37 (2) Waste tires may be disposed at a permitted public or private munic-  
 38 ipal solid waste landfill with an approved operating plan only if the waste  
 39 tires have been processed to meet the following criteria:

40 (a) The volume of one hundred (100) unprepared randomly selected whole  
 41 tires in one (1) continuous test period shall be reduced by at least  
 42 sixty-five percent (65%) of the original volume pursuant to subsection  
 43 (3) of this section. No single void space greater than one hundred  
 44 twenty-five (125) cubic inches may remain in the randomly placed pro-  
 45 cessed tires; or

46 (b) The tires shall be reduced to an average chip size no greater than  
 47 sixty-four (64) square inches in any randomly selected sample of ten  
 48 (10) tires or more. No more than forty percent (40%) of the chips may  
 49 exceed sixty-four (64) square inches.

- 1 (3) Tire volumes shall be calculated as follows:  
2 (a) Unprocessed whole tire volume shall be calculated by randomly  
3 placing one hundred (100) unprepared randomly selected whole tires in a  
4 rectangular container and multiplying the depth of unprocessed tires by  
5 the bottom area of the container; and  
6 (b) Processed tire volume shall be determined by randomly placing the  
7 processed tire test quantity in a rectangular container and leveling  
8 the surface. It shall be calculated by multiplying the depth of pro-  
9 cessed tires by the bottom area of the container.

10 39-6506. TRANSPORT OF WASTE TIRES. (1) No person shall transport waste  
11 tires for storage to any location in this state other than to a waste tire  
12 storage site for which a city or county has issued a permit or other written  
13 city or county authorization in active status.

14 (2) No person shall transport waste tires for disposal to any location  
15 in this state other than to a municipal solid waste landfill that is operat-  
16 ing in compliance with the requirements of section 39-6505, Idaho Code.

17 39-6507. WASTE TIRE RECYCLING FEE. (1) There is hereby imposed a waste  
18 tire recycling fee of fifty cents (50¢) per new motor vehicle tire sold at re-  
19 tail. The waste tire recycling fee shall be separate from other nongovern-  
20 mental fees charged by a retailer.

21 (2) The amount of the fee that is collected by a seller from a purchaser  
22 shall be separately designated by the retailer and designated on the receipt  
23 or invoice accompanying the sale.

24 (3) The waste tire recycling fee shall not be imposed on the sale of re-  
25 treaded or used tires.

26 (4) The fee for each tire with a rim diameter up to and including twenty-  
27 four and one-half (24.5) inches, single or dual bead capacity, is fifty cents  
28 (50¢).

29 (5) The provisions of this section shall be null, void, and of no force  
30 and effect on and after July 1, 2028.

31 39-6508. WASTE TIRE RECYCLING AND REMEDIATION FUND. There is hereby  
32 established in the state treasury the waste tire recycling and remediation  
33 fund, which shall be administered by the director and shall be subject to  
34 legislative appropriation. Moneys in the fund shall consist of:

- 35 (1) Proceeds of any waste tire recycling fee;  
36 (2) Penalties collected under this chapter;  
37 (3) Interest earned on moneys in the fund; and  
38 (4) Moneys recovered by a prosecuting attorney in any action pursuant  
39 to the provisions of this chapter.

40 39-6509. PILOT PROJECT. (1) There is hereby created a pilot project  
41 for the purposes of:

- 42 (a) Developing a department strategy, staff, and equipment necessary  
43 to conduct the pilot project;  
44 (b) Remediating abandoned tire piles as determined by the department;  
45 (c) Providing moneys to cities and counties to enforce the provisions  
46 of this chapter; and

1 (d) Providing rebates to recyclers who recycle tires found in this  
2 state.

3 (2) For the purposes of the pilot project established in this section:

4 (a) For fiscal year 2026, moneys in the waste tire recycling and remedi-  
5 ation fund shall be appropriated to the department exclusively for the  
6 administrative costs, including staff and equipment, to operate the pi-  
7 lot project and for providing moneys to the department to make grants to  
8 cities and counties to enforce the provisions of this chapter; and

9 (b) For fiscal years 2027 and 2028, the waste tire recycling and remedi-  
10 ation fund shall be appropriated in the following order for:

11 (i) Providing moneys to the department to make grants to cities  
12 and counties to enforce the provisions of this chapter or for the  
13 director to contract directly with third parties to remediate  
14 abandoned tire piles;

15 (ii) Departmental administrative costs, including personnel and  
16 equipment to operate the pilot project;

17 (iii) The remediation of abandoned tire piles; and

18 (iv) Rebates to recyclers as provided in this chapter.

19 39-6510. PAYMENT OF WASTE TIRE RECYCLING FEE -- ADMINISTRATIVE  
20 CHARGE. (1) A retail tire dealer shall remit the fees collected from waste  
21 tire recycling to the state tax commission.

22 (2) Fees collected by sellers shall be remitted to the state tax com-  
23 mission at the times and in the manner provided for in chapter 36, title 63,  
24 Idaho Code, with respect to the sales tax. The state tax commission shall  
25 establish registration, reporting, and payment procedures that substan-  
26 tially coincide with the registration and payment procedures that apply to  
27 the sales tax pursuant to the provisions of chapter 36, title 63, Idaho Code.

28 (3) The payment shall be accompanied by a form prescribed by the state  
29 tax commission.

30 (4) (a) The proceeds of the fee shall be transferred by the state tax  
31 commission to the waste tire recycling and remediation fund for use as  
32 prescribed in section 39-6508, Idaho Code.

33 (b) The state tax commission shall retain and deposit an administrative  
34 charge of ten dollars (\$10.00) for the revenue the state tax commission  
35 collects from a fee under section 39-6507, Idaho Code.

36 (5) (a) The state tax commission shall administer, collect, and enforce  
37 the fee authorized under this chapter in accordance with the same pro-  
38 cedures used in the administration, collection, and enforcement of the  
39 state sales and use tax. The following provisions of chapter 36, title  
40 63, Idaho Code, with respect to sales tax, shall apply to the waste tire  
41 recycling fee:

42 (i) Audit and appeal procedures;

43 (ii) Collection, enforcement, penalties, and interest; and

44 (iii) Statute of limitations and refunds of fees paid erroneously.

45 (b) A retail tire dealer may retain two and one-half percent (2.5%) of  
46 the waste tire recycling fee collected under this chapter for the cost  
47 of collecting the fee.

48 (6) The fee imposed by this chapter is in addition to all other state,  
49 county, or municipal fees and taxes imposed on the sale of new tires.



1 (7) The state tax commission shall have the authority to promul-  
2 gate rules, subject to legislative approval, applicable to the waste tire  
3 recycling fee. Such rules shall, to the extent practicable, minimize ad-  
4 ministrative burdens on sellers by incorporating existing provisions of  
5 chapter 36, title 63, Idaho Code, that apply to audits, appeals, collection,  
6 enforcement, penalties, interest, statute of limitations, and refunds of  
7 fees paid erroneously.

8 (8) The provisions of this section shall be null, void, and of no force  
9 and effect on and after July 1, 2028.

10 39-6511. PARTIAL REIMBURSEMENT. (1) Waste tires generated in the  
11 state shall include those generated at a retail tire dealer, those generated  
12 from cleanup at a waste tire storage site not meeting the requirements of  
13 this chapter, and those generated by Idaho residents and deposited at an  
14 approved solid waste landfill or recycler within the state.

15 (2) Subject to the limitations in section 39-6512, Idaho Code, a recy-  
16 cler is entitled to:

17 (a) Sixty-five dollars (\$65.00) as partial reimbursement for each ton  
18 of waste tires or material derived from waste tires converted to ground  
19 rubber, if a contract exists for the sale of the ground rubber for use as  
20 a component in an end product;

21 (b) Fifty dollars (\$50.00) as partial reimbursement for each ton of  
22 waste tires or material derived from waste tires recycled, other than as  
23 ground rubber; and

24 (c) Twenty dollars (\$20.00) as partial reimbursement for each ton of  
25 ground rubber used for a beneficial reuse.

26 39-6512. LIMITATIONS ON REIMBURSEMENT. (1) The costs reimbursed under  
27 this chapter may not exceed available moneys in the fund.

28 (2) If applications for reimbursement under this chapter exceed the  
29 moneys in the fund, the director shall, as incoming funds allow, distribute  
30 reimbursements in order from oldest to newest.

31 39-6513. PROHIBITED ACTS. No person shall advertise or represent him-  
32 self as being in the business of accepting waste tires for transport, stor-  
33 age, or disposal without being in full compliance with all the provisions of  
34 this chapter.

35 39-6514. RECYCLING AND REUSE OF WASTE TIRES. The state of Idaho seeks  
36 to protect human health and the environment by encouraging the recycling and  
37 reuse of waste tires. Accordingly, the department shall identify approved  
38 methods of recycling and beneficial reuse of waste tires.

39 39-6515. PENALTIES. Any person who knowingly stores, transports, or  
40 disposes of a tire in violation of the provisions of this chapter is subject  
41 to a civil penalty of not more than five hundred dollars (\$500) per viola-  
42 tion. For the purposes of this chapter, a city council or board of county  
43 commissioners, or their designees, shall have the same authority as the  
44 director of the department of environmental quality pursuant to section  
45 39-108, Idaho Code, with respect to:

- 1 (1) Conducting investigations and inspections;
- 2 (2) Having the right of entry;
- 3 (3) Issuing violations;
- 4 (4) Having enforcement authority; and
- 5 (5) Seeking injunctive relief.

6 39-6516. APPLICABILITY. The provisions of this chapter shall not ap-  
7 ply to waste tires from any device moved exclusively by human power.

8 39-6517. ANNUAL REPORT TO LEGISLATURE REQUIRED. The director shall  
9 publish annually by December 15 and provide to the appropriate germane leg-  
10 islative committees information on the impact of this chapter in promoting  
11 the cleanup of waste tires in Idaho. A copy of such report shall be submitted  
12 to the legislative services office electronically. At a minimum, the infor-  
13 mation shall include each of the following with respect to the prior year:

- 14 (1) The approximate number of tires recycled;
- 15 (2) The approximate number of waste tire storage sites remediated;
- 16 (3) The dollar amount expended on waste tire recycling, cleanup, and  
17 remediation; and
- 18 (4) The dollar amount expended on partial reimbursements pursuant to  
19 section 39-6511, Idaho Code.

20 39-6518. RULEMAKING AUTHORITY. The department is authorized to pro-  
21 mulgate rules, subject to legislative approval, to implement the provisions  
22 of this chapter.

23 SECTION 3. An emergency existing therefor, which emergency is hereby  
24 declared to exist, this act shall be in full force and effect on and after its  
25 passage and approval.