

Alabama Scrap Tire Environmental Quality Act
Act No. 2003-332

ENROLLED, An Act,

Relating to the regulation of scrap tire disposal and recycling in Alabama; to provide for the Alabama Scrap Tire Environmental Quality Act to comprehensively regulate scrap tire accumulations and provide for cleanup and remediation of all scrap tire accumulations; to authorize the Alabama Department of Environmental Management, the Alabama Department of Economic and Community Affairs, the Alabama Department of Revenue, and the Scrap Tire Commission to administer and enforce this act; to prescribe a scrap tire environmental fee on the sale of replacement tires and create a Scrap Tire Fund to receive the proceeds of the fee for the administration of this act; to provide for certain administrative powers, rules, and regulations to administer this act; to prohibit certain actions related to scrap tire accumulations; to prescribe civil remedies and criminal penalties for violations of this act; to repeal and supersede Sections 22-40-1 to 22-40-11, inclusive, Code of Alabama 1975, providing for the Scrap Tire Study Commission; to prescribe an effective date for this act; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the Alabama Scrap Tire Environmental Quality Act.

Section 2.

(a) The Legislature finds as follows:

(1) The Alabama Scrap Tire Study Commission (STSC) submitted a report as required by Section 22-40-10, Code of Alabama 1975, and SJR 152, adopted May 11, 2000. The act and the resolution both directed the STSC to study the present law and recommend revisions that are needed. The report from the STSC recommended substantial changes to the present law, which are incorporated into this act. The study and report were necessary to address the estimated fourteen (14) to twenty (20) million tires stockpiled or illegally dumped.

(2) This state generates over five million scrap tires annually. Of these tires, an estimated two million are recycled annually and an estimated two million are disposed of legally in landfills. Many of the remaining tires are disposed of illegally and therefore may present a public health and/or environmental threat to the citizens of Alabama.

(b) This act has the following stated purposes, to:

(1) Remediate existing scrap tire stockpiles and prevent the formation of new ones.

(2) Provide a uniform, statewide system of regulation of scrap tires from the point of generation to the point of end use or disposal, to include a statewide scrap tire manifest system, and effective enforcement of scrap tire laws.

(3) Stimulate end use market development activities.

(4) Provide an adequate funding mechanism to clean up scrap tire piles, to provide for responsible enforcement of scrap tire laws, and to assist in promoting end use markets.

(5) Implement other recommendations contained in the report of the Alabama Scrap Tire Study Commission.

Section 3. The following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) APPROVED. Authorized, certified, permitted by, or meets standards of a regulatory authority.

(2) CLEANUP. For purposes of this act, cleanup means the cleaning up, remediation, control, or removal of scrap tires from the environment.

(3) CONSUMER.

(a) For purposes of this Act a consumer is defined as either:

(1) A retail purchaser

(2) A dealer who buys a tire to be installed on a vehicle for resale

(b) A wholesale purchaser who buys tires for resale is not considered a consumer

(4) DEPARTMENT. The Alabama Department of Environmental Management (ADEM) or its successor organization or organizations having similar responsibility.

(5) DISPOSAL. For purposes of this act, "disposal" shall be the deposit of a tire in a permitted landfill.

(6) ENFORCEMENT OFFICER. An employee of the department, or the person appointed by the county commission to enforce this act, and any deputy enforcement officers enforcing this act under the supervision of the enforcement officer, and which county commission has a delegation agreement with the department.

(7) FUEL USER. A processor which uses tire derived fuel as a source of energy and has been permitted by the department or local air pollution control agency for use of tire derived fuel.

(8) INNOCENT LANDOWNER. Any person, company, corporation, or governmental entity holding an interest in real property upon which scrap tires are discarded illegally by another party without specific permission from the holder of the real property interest; provided the holder took reasonable steps to prevent foreseeable acts of illegal disposal.

(9) PERMITTED LANDFILL. Any landfill that is permitted by the department.

(10) PERMITTED PROCESSOR. Any person engaged in the processing of tires as defined in this section that has received the proper permit from the department. A retreader is not considered a processor.

(11) PERMITTED TRANSPORTER. A person who has received the proper transporter permit from the department.

(12) PERSON. Any individual, organization, business, or entity, whether or not organized for profit.

(13) PROCESSING. For purposes of tire processing, the term includes any of the following activities related to pneumatic tires:

(a) Evaluating, transferring, or sorting tires, to determine their suitability for

reuse as used tires or retreading.

(b) The compression and binding of whole tires or processed tire material, or baling.

(c) Shredding tires, reducing or altering such tires by any physical, chemical, or thermal process, including specifically the burning of tires as a fuel.

(d) Incorporating whole scrap tires into any end use product or structure where the scrap tire is not deconstructed into its component parts.

(e) Punching or stamping products from whole scrap tires or producing processed tire material, crumb, or ground rubber product, whether or not that product is held for sale or used in the facility to produce an end product.

(14) PROCESSED TIRE MATERIAL. Any material produced from tires or tire materials through any chemical, physical, or thermal process, including, but not limited to, baling.

(15) RECYCLING or REUSE. A use of scrap tire or processed tire materials other than for land disposal, including, but not limited to, new products, rubber modified asphalt, civil engineering applications, or fuel use.

(16) REGISTERED RECEIVER. Either a Class One Receiver or Class Two Receiver is defined as:

(a) Class One Receivers are retail tire dealers, retreaders, and used tire dealers.

(b) Class Two Receivers include all other receivers of scrap tires, other than Class One Receivers, that generate or accumulate a minimum of ten (10) scrap tires in a year, specifically including, among others, any component of government, vehicle fleet maintenance or dismantling, rental or sales operations, or any other activity that generates scrap tires, whether or not organized for profit.

(17) REMEDIATION. This term is synonymous with "cleanup."

(18) REPLACEMENT TIRE. Any pneumatic tire sold to the consumer regardless of whether or not mounted on a rim or wheel.

(19) RESPONSIBLE PARTY or PERSON RESPONSIBLE. With respect to the remediation of any accumulation of scrap tires on any property, the person who deposited the tires on the property, if known and if different than the person who holds title to the property.

(20) RETAIL TIRE DEALER. For purposes of this act, a retail tire dealer shall include any person selling replacement tires to the consumer whether or not mounted on a rim.

(21) RETREADED CASING REPLACEMENT TIRE. Any retreaded casing sold to the consumer regardless of whether or not mounted on a rim or wheel.

(22) RETREADER. Any person engaged in the retreading of used tires.

(23) SCRAP TIRE. Any pneumatic tire no longer suitable or useable for its original purpose and, in addition, includes, but is not limited to, all tires with a manufacturing defect, except those that are in the process of being returned to the manufacturer for a refund.

(24) SCRAP TIRE COMMISSION (STC). The commission established in this act.

(25) SCRAP TIRE ENVIRONMENTAL FEE. The fee established by this act, to be collected on the purchase of replacement tires.

(26) SCRAP TIRE FUND (STF). The separate fund established by this act.

(27) SCRAP TIRE STUDY COMMISSION (STSC). The commission created by Sections 22-40-1 to 22-40-11, inclusive, Code of Alabama 1975.

(28) SOLID WASTE DISPOSAL ACT. Chapter 27 of Title 22, Code of Alabama 1975.

(29) THREAT. A condition creating a substantial probability of harm, where the probability and potential extent of harm makes it reasonably necessary to take immediate action to prevent, reduce, or mitigate damage to persons, property, the environment, natural resources, or the public health and safety.

(30) TIRE DEALER. Any person engaged in the sale of tires to the consumer whether or not mounted on a rim or wheel.

(31) TIRE DERIVED FUEL (TDF). Any tire or processed tire material intended for use as fuel.

(32) USED REPLACEMENT TIRE. Any pneumatic tire that is capable of reuse as a tire, directly or following repair, regrooving, or retread, excluding any processed tire material, end use product or by-product derived from scrap tires, that meets the following requirements:

(a) If a tire is designed for highway use it must still have more than two thirty-seconds inch of tread.

(b) The tire is stored in a rack or a stack, but not in a pile, in a manner consistent with National Fire Protection Association guidelines for tire storage, as well as vector control standards.

(c) The tire is stored in a manner to allow inspection of each individual tire.

Section 4.

(a) No person may accumulate more than 100 scrap tires, except as a permitted processor, registered receiver, or permitted landfill.

(b) No person may expose accumulated scrap tires to the elements for more than 30 days.

(c) A Class One Receiver as defined in Section 3 may accumulate up to 1500 scrap tires, or a higher number as set by regulation of the department for those engaged in used tire sales.

(d) A Class Two Receiver as defined in Section 3 may accumulate up to 300 tires. Provided however that Class Two Receivers that are tire manufacturers are excluded from the 300-tire limit, provided the tires are not exposed to the elements.

Section 5.

(a) Accumulations of scrap tires for whatever purpose, not in accordance with this act, shall be removed by the person responsible for the creation or the maintenance of the accumulation, or if the person responsible is not determined, by the landowner if the landowner does not qualify as an innocent landowner.

(b) All persons with more than 100 scrap tires on their property who are not registered receivers of scrap tires or permitted processor shall report this fact to the department and provide the number of scrap tires and the location. This report shall be made no later than 12 months after the effective date of this act.

(c) The department shall establish by regulations a ranking system for remediation, and shall award all contracts for cleanup in accordance with this ranking system.

(d) The department shall provide regulations for cleanup, which shall apply to all cleanups.

(e) Department cleanup action shall be carried out in accordance with any applicable state contracting requirements.

(f) The overall management of the remediation of all scrap tires within the State of Alabama is the responsibility of the department.

(g) Each cleanup contractor shall satisfy all relevant laws, regulations, or other legal ordinances during the cleanup.

Section 6.

(a) For purposes of this act, there shall be two classes of receivers, Class One Receivers and Class Two Receivers as defined in Section 3.

(b) Receivers of both classes are required to use a permitted transporter to haul tires for disposal, for further end processing, or for further evaluation by another business, except as provided in subsection (c).

(c) Class One Receivers are not required to use a permitted transporter for purposes of transporting their tires or their customers' tires between their business locations or between a customer site and the receiver.

(d) Class One Receivers are not required to obtain a permit as a transporter, as otherwise required under Section 7, for transporting of scrap tires for disposal or further processing.

(e) All receivers shall register without fee with the department and obtain a receiver number and vehicle decals, at no cost, equal to the number of vehicles in the receiver's fleet used to transport scrap tires. Decals shall be carried visibly in or on the vehicle, in accordance with department regulations.

Section 7.

(a) No person, except a properly registered Class One Receiver, may engage in the transportation of scrap tires, whether or not for profit, without holding a valid transporter permit issued by the department, unless otherwise exempted by this act or unless allowed by department regulation, if they transport more than eight scrap tires at any one time. An application for a permit shall be made in the form required by the department and provide such information as the department may, by regulation, require.

(b) The department by regulation, may set higher tire transportation limits than provided in subsection (a) for special situations, such as an authorized amnesty program.

(c) Permitted transporters shall receive decals equal in number to the number of vehicles in the transporter's fleet, at no cost. Decals shall be visibly displayed in or on the vehicle, in accordance with department regulations.

(d) Persons making applications as transporters shall pay an application fee as determined by the department. Applicants shall provide information that the department requires by regulation.

(e) Transporter permits shall be valid for three years, unless revoked for violating this Act or the department's regulations.

(f) Transporters shall deliver scrap tires that have been properly manifested as required by Section 9 of this act and departmental regulations, only to either of the following:

(1) A receiver, processor, or other transporter, permitted or registered under this act.

(2) A permitted landfill.

(g) Transporter decals shall be displayed in conformance with regulations issued by the department on any vehicle engaged in the collection and transportation of scrap tires and may be transferred only to vehicles owned and operated by that business.

(h) All Class One Receivers who are transporting used or scrap tires for their own purposes shall maintain inside the vehicle during transport appropriate documentation, that each such transport is for his or her own use and for the indicated purpose.

(i) Both intrastate and interstate transport of used and scrap tires are subject to regulation by the department.

Section 8.

(a) No person may engage in the processing of scrap tires, as defined herein, whether or not organized for profit, unless the person holds a valid processor permit issued by the department.

(b) The department, by regulation, shall set operational requirements for processors, including limitations on the maximum number of tires that may be on site, whether processed or unprocessed. The department shall also establish by regulation requirements for mobile processors.

(c) Each applicant for a processor's permit shall pay an application fee as determined by the department by regulation, and shall provide information that the department requires by regulation. Application shall be made in the form required by the department.

(d) Permits issued by the department to scrap tire processors shall be valid for a five-year period, unless revoked for cause.

(e) Class One Receivers are not required to hold processor permits in order to engage in the evaluation of tires collected during the course of their business as suitable for reuse as tires or as casings for retreading.

(f) A fuel user may operate without obtaining a processor permit, and must register as a fuel user with the department on forms prepared by the department. The fuel user must store tires or TDF in compliance with storage regulations established by the department.

(g) Any facility that produces an end use material or product from ground or crumb rubber derived from scrap tires that has been purchased from another facility, or any facility using the component parts of scrap tires or processed tire material as a substitute raw material, is exempt from the requirement of being permitted as a processor pursuant to this section. Any facility seeking an exemption must register with the department on forms prepared by the department.

Section 9.

(a) The department shall develop and promulgate a manifest through rulemaking.

(b) All scrap tire receivers, transporters, processors, and landfills are required to use a written manifest as prescribed in this section and as provided by regulations of the department. The manifest shall be originated by the receiver and shall identify the quantity of tires transported, stored or processed, and other information as the department may require. The manifest shall be distributed by the department and be required to

accompany the transportation, storage and processing of scrap tires until the tires are processed or disposed.

(c) A copy of each complete manifest shall be forwarded monthly to the receiver by the processor(s) or landfill(s) to which scrap tires are delivered. Records shall be retained by the receiver for a minimum of three years, or as otherwise required by the department.

(d) The department may establish regulations for transport of out-of-state tires into Alabama.

Section 10.

(a) The department shall, by regulation, establish the financial assurance levels and methods that are to be set to provide funds to abate any problems created as a result of a failure by the transporter or processor to properly manage scrap tires.

(b) Receivers of either class are not required to post financial assurance.

(c) Permitted transporters and processors shall post financial assurance. A fuel user that registers with the department shall post financial assurance if they store whole tires or shredded tires in excess of amounts the department establishes by regulation.

Section 11.

(a) The department is designated by this act as the administrating agency for this act including administering remediation and enforcement programs; provided, however, the department may enter into delegation agreements with county commissions for enforcement of provisions of this Act. The department is hereby authorized to carry out the purposes of this act and is empowered to administer and enforce the provisions of this act using the authorities granted to it by the Environmental Management Act.

(b) The department shall develop and manage a remediation contract program for cleanup, management, or disposal of scrap tires.

(c) The department shall by regulation exempt certain tires under this act.

(d) The department shall administer the program in a way to ensure enforcement of the act in all counties.

(e) Department funds and resources as provided by the Scrap Tire Fund (STF) may be used for support of on-going training for delegated county programs.

(f) The department, after holding a hearing in accordance with the procedures set forth by regulation, may revoke, suspend, or deny a receiver registration or deny a processor or transporter a permit based on the requirements of this Act.

(g) Those funds collected by the department for violations pursuant to this act shall be directed to the Scrap Tire Fund, except for a portion of those funds directed to the department to cover expenses to obtain a penalty.

(h) The department, by regulation, may develop other incentive programs to reduce illegal scrap tire disposal.

Section 12. County commissions may request primacy on enforcement and establish delegation agreements with the department for enforcement of this Act. The department shall establish by regulation the procedures for delegation. Counties that wish to voluntarily establish such delegation agreements with the department for local enforcement shall have the following responsibilities:

(1) Provide quarterly reports to the department on all scrap tire activities within that

quarter on a form prepared and provided by the department.

(2) Provide written investigation reports to the department within ten (10) days of the initial investigation.

(3) Investigate all reports and complaints regarding scrap tires within the respective county.

(4) Investigate illegal dumping of scrap tires.

(5) Review manifests of scrap tires at businesses.

Section 13. The Alabama Department of Economic and Community Affairs (ADECA) is designated as the department of state government responsible for development and management of end use market development grants program. The cost of administration of these grants shall not exceed five percent of the funds allocated for the ADECA grant program. ADECA may choose to negotiate agreements with any person to participate in the end use marketing development grants program.

Section 14.

(a) A Scrap Tire Environmental Fee shall be collected at the point-of-sale from the consumer on replacement tires, whether or not the tires are mounted on a rim or wheel, in the amount of one dollar (\$1) per tire, and shall be remitted to the Department of Revenue on a monthly basis. Out-of-state tires, such as fleet tires, not purchased in the State of Alabama must be returned to the point of origin for disposal or the Scrap Tire Environmental Fee shall be imposed for each tire brought into the State and must be remitted to the Department of Revenue. In addition, the Scrap Tire Environmental Fee shall be collected on a retreaded casing replacement tire when sold to a consumer.

(b) The fees imposed by subsection (a) shall be paid monthly to the Department of Revenue by the 20th day of the following month, accompanied by forms as prescribed by the Department of Revenue. The forms shall contain a printed declaration that the information is being reported under penalty of perjury and shall be subscribed by the person who completes the form, showing the number of tires subject to the environmental fee and such other information as the Department of Revenue may require.

(c) The tire dealer may retain five (5) percent of the fees collected per each report timely filed, to cover costs associated with the collection and payment of the fee to the Department of Revenue. No recovery of administrative costs shall be allowed, nor any monies retained by a tire dealer, from any Scrap Tire Environmental Fees that are not paid before becoming delinquent.

(d) The fee imposed in subsection (a) shall be collected and administered by the Department of Revenue in accordance with Chapter 2A of Title 40, Code of Alabama 1975. The Department of Revenue shall also impose interest on any Scrap Tire Environmental Fees paid after the due date in accordance with Section 40-1-44, Code of Alabama 1975.

(e) The Department of Revenue may promulgate and enforce rules and regulations to effectuate the Scrap Tire Environmental Fee provisions of this act. All rules and regulations promulgated shall have the same force and effect of law.

(f) In addition to any and all other funds heretofore or hereafter appropriated, there is hereby appropriated from the State General Fund to the Department of Revenue, to offset its costs to implement and administer the provisions of this act, as a first charge

against the fees collected pursuant to this act, for the fiscal year ending September 30, 2003, the sum of sixty thousand dollars (\$60,000). Every year thereafter as a first charge against the revenues collected an amount of revenue shall be appropriated to the Department of Revenue to offset its costs of collection.

Section 15. The net proceeds of the Scrap Tire Environmental Fee levied by Section 14 shall be distributed as follows:

(1) To pay the costs of remediation, abatement, removal, or other remedial action within the range of 45 percent to 75 percent of monies deposited to the Scrap Tire Fund during the previous budget year, including equipment, labor, supplies, and materials related to tire stockpiles throughout the state, including all approved costs incurred by other public agencies involved in these activities by contract with the department.

(2) To pay the costs of the department associated with the development and enforcement of regulations, not to exceed 20 percent of monies deposited to the Scrap Tire Fund during the previous budget year, including personnel, training, materials, and equipment relating to administration of this act and for the training of enforcement personnel within the department, county, and other governmental organizations. Funds not expended by the department during a budget year shall be returned to the Scrap Tire Fund not later than January 1 following the end of the budget year.

(3) To administer a program, within the range of zero (0) percent to 20 percent of monies deposited to the Scrap Tire Fund during the previous budget year, managed by ADECA, directed at promoting and developing markets as an alternative to the landfill disposal of scrap tires or processed tire material as an end use. ADECA or its successor organization shall be so authorized by this act for these purposes.

(4) To fund the programs delegated by the department to counties for enforcement of regulations, not to exceed ten (10) percent of monies deposited to the Scrap Tire Fund during the previous budget year, including personnel, training, materials, and equipment relating to administration of this Act.

(5) To pay the tire retailer, not to exceed five percent of fees collected, for collection and accounting costs associated with collection of the fee and the monthly distribution to the Department of Revenue, as specified in subsection (c) of Section 14.

(6) To pay the costs of administration of the Department of Revenue, not to exceed two (2) percent of monies, to include the first charge against revenues per subsection (f) of Section 14, deposited to the Scrap Tire Fund during the previous budget year, associated with establishment of the Scrap Tire Fund and for the receipt of funds from all income sources pursuant to this act, disbursements, and auditing revenues in the Scrap Tire Fund.

Section 16.

(a) All fees, interest, or other income distributed to the Scrap Tire Fund shall be used only for the purposes specified in this act.

(b) All monies derived from fines and violations of this act that are collected by county enforcement programs pursuant to this act shall be distributed to the county for use only in the enforcement program.

Section 17.

(a) The department or its designated representatives may access property suspected of containing scrap tires for the purpose of evaluation of the threat to public health, the environment, and safety.

(b) The department, by regulation, shall establish an administrative process to provide the responsible party, other than the innocent landowner, notice of obligation to remediate scrap tires found that are in violation of this Act. If the responsible party fails or refuses to remediate the scrap tires, the department or its contractor or subcontractors shall be granted access to the property for the sole purpose of remediation of the scrap tires.

(c) The department may recover the full cost associated with the remediation, including legal expenses, from the responsible party, other than an innocent landowner.

(d) As long as an innocent landowner is working cooperatively with the department or its representative to clean up the site, the innocent landowner shall not be liable for costs of cleanup. Subsequent to cleanup, the innocent landowners shall cooperate with the department to prevent further tire dumping on the relevant site.

Section 18. Any of the following actions shall constitute a violation:

(1) Transporting scrap tires in violation of this act.

(2) Delivering scrap tires to a facility not approved to accept them pursuant to the provisions of this Act.

(3) Illegal storage or disposal of processed tire material.

Section 19.

(a) Disposing of scrap tires in violation of this act shall constitute a Class C felony.

(b) Any person convicted of disposing or processing of scrap tires in violation of this act shall also be personally and financially responsible for the proper removal of the scrap tires according to this act and any rules or regulations promulgated by the department.

(c) Any person who knowingly or recklessly makes any false statement or representation in any document used to comply with this act is liable for a civil penalty for each violation or, for continuing violations, for each day that the violation continues, in accordance with subdivisions (17) to (20), inclusive, of Section 22-22-5, Code of Alabama 1975.

(d) The enforcement officers may issue citations for any violation of this act, and upon conviction, the violator or violators shall be fined a minimum of three hundred dollars (\$300) for each separate violation.

(e) In addition to the financial responsibility required by subsection (b), a fine of five dollars (\$5) per tire shall be assessed against any party who transfers, transports, or stores scrap tires in violation of this act, which fee shall be in addition to all other fines or penalties assessed under this act.

(f) In the enforcement of this act, department employees and county enforcement officers shall have all authority granted to the license inspector pursuant to Section 40-12-10, Code of Alabama 1975, and in addition, may investigate any and all reported violations of this act within the county, and may independently monitor all scrap tire receivers, transporters, and processors within the county for compliance with this act. The enforcement officer may issue citations using the Uniform Non-Traffic Citation and

Complaint as provided under Rule 20 of the Alabama Rules of Judicial Administration. The enforcement officer in each county shall share information regarding possible violations in another county with the enforcement officer for that county.

Section 20. All governmental organizations, whether federal, state, or other local governing bodies shall be exempt from the payment of fees associated with all provisions of this act. These organizations shall comply with all statutory and regulatory provisions of this act regarding the storage, transport, processing, cleanup, and disposal of scrap tires.

Section 21.

(a) There is created the Scrap Tire Commission (STC) to review the implementation of this act, including the scrap tire program, and recommend changes to this act to the Legislature, as needed. The STC shall establish procedures for its operation. On the effective date of this act, the present monies received under the existing Alabama Scrap Tire Study Commission (STSC) are transferred to the Scrap Tire Fund created herein.

(b) The Scrap Tire Commission shall be comprised of the following individuals or their designees or a representative of each of the authorities listed below:

- (1) The State Health Officer.
- (2) The Director of the Alabama Department of Environmental Management.
- (3) The Director of the Alabama Department of Economic and Community

Affairs.

(4) The Association of County Commissions of Alabama.

(5) The Alabama Tire Dealers Association shall be represented by two members, one of which shall be the President of the association.

(6) The Rubber Manufacturers Association.

(7) A representative of the scrap tire industry, appointed by the Governor.

(8) A representative of the scrap tire processing industry, appointed by the Lieutenant Governor.

(9) A representative of the environmental community, appointed by the Speaker of the House of Representatives.

(10) A representative of the scrap tire Class Two Receivers, appointed by the Business Council of Alabama.

(c) The STC shall review the implementation of the law and effectiveness of the revenue derived from the law to accomplish the intended purposes and advise the legislature and the department as appropriate.

(d) The STC shall meet quarterly for the first two years at a minimum, and thereafter as determined by the STC, but no less than annually. The department and ADECA shall report scrap tire program status to the STC at each regularly called meeting of the STC. Expenses of the STC shall be paid from the Scrap Tire Fund.

(e) Members of the STC shall be reimbursed for expenses when attending meetings representing the STC from the Scrap Tire Fund. Reimbursement shall be approved and certified by the director upon receipt of appropriate documentation in accordance with Sections 36-7-1 through 36-7-42, Code of Alabama 1975.

(f) After seven years or upon the recommendation of the STC and the department, the Legislature shall consider reducing that portion of the Scrap Tire Environmental Fee

directed towards cleanup. Provided, that any reduction in the Scrap Tire Environmental Fee shall become effective October 1 following the year in which the STC and the department concur that a reduction is in order. However, the fee shall not be reduced below fifty cents (\$.50) in order to assure adequate enforcement of the law by the department and cooperating counties and to fund unanticipated cleanups, as needed.

(g) The STC shall establish the percentages for distribution of funds that accumulate in the Scrap Tire Fund, except as otherwise specified by this Act.

(h) Prior to the promulgation of any proposed regulation dealing with the Alabama Scrap Tire Environmental Quality Act, the department shall receive the approval of the STC. The STC shall provide the department a response to its request for approval within 60 days of receipt of such request unless such other time is mutually agreed upon by the department and the STC.

(i) STSC members representing those entities specified in Section 21 (b) shall continue as members of the new STC unless or until replacements are appointed.

(j) After the effective date of this act, existing members of the STSC, or their replacements who become members of the STC, must meet within 90 days. The department shall notify the STC of the time and place of the initial meeting.

(k) The department and ADECA, through the STC, shall report biennially to the Legislature on the activities of the scrap tire programs authorized by this act, including recommendations. Such reports shall be submitted by the STC.

Section 22.

(a) A Scrap Tire Fund (STF), separate from the State General Fund, is created for carrying out this act.

(b) All monies within the STF shall be continuously appropriated. All monies remaining in the Department of Public Health, designated for the present STSC, after payment of all outstanding expenses, shall be transferred to the department for program implementation by the effective date of this act, and all monies collected by the Alabama Department of Public Health pursuant to the previous scrap tire program, including, but not limited to, license fees, which accrue after the effective date of this act shall be transferred to the Alabama Department of Environmental Management on October 1, 2004.

(c) The STF is authorized to receive funds from other sources outside the Scrap Tire Environmental Fee, including interest generated from the STF, grants, allotments, and contributions, whether public or private.

Section 23. The department shall implement this act to the extent funds are provided by the STF.

Section 24. In the event the Scrap Tire Environmental Fee on replacement tires imposed by Section 14 is abolished, as determined by the Department of Revenue, the provisions of this act shall be null and void and of no other force or effect of law.

Section 25. Sections 22-40-1 to 22-40-11, inclusive, Code of Alabama 1975, are hereby repealed and superseded by this act, effective October 1, 2004.

Section 26. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill defines a new crime or amends the definition of an existing crime.

Section 27. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.