



**House
Legislative
Analysis
Section**

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SCRAP TIRE DISPOSAL

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House Bill 4067 and 4068

Sponsor: Rep. Claude Trim

Committee: Conservation, Recreation & Environment

Complete to 2-8-89

***A SUMMARY OF HOUSE BILLS 4067
AND 4068 AS INTRODUCED***

House Bill 4067 would amend the Solid Waste Management Act to prohibit the disposal of whole tires in a landfill beginning three years after the effective date of the bill.

The bill is tie-barred to House Bill 4068.

MCL 299.413b

House Bill 4068 would create the Scrap Tire Regulatory Act to impose certain restrictions on the disposal and accumulation of scrap tires and specify penalties for violating these restrictions. Major provisions of the bill include:

- Prohibiting individuals from discarding scrap tires on property other than their own without prior written permission from the property owner.
- Setting up three levels of scrap tire storage facilities, each with its own storage requirements beginning two years after the effective date of the bill:

1) A person who accumulated less than 2,500 tires at a collection site that were not stored in a building could store only tires in the storage area, in piles not bigger than 15 feet high, 200 feet long and 40 feet wide. The piles would have to be accessible on all sides to fire fighting equipment, with a minimum of 20 feet of clear space between piles. Tires could not be within 20 feet of the property line or within 60 feet of a building or structure and would have to be maintained as specified in the bill in order to limit the potential of mosquito breeding. The person accumulating the tires would have to maintain a surety bond in favor of the state that was sufficient to cover the cost of removing the tires from the collection site in case of an emergency at the site or in case the person accumulating the tires went bankrupt.

2) Someone who accumulated 2,500 to 100,000 tires at a collection site would have to comply with all of the first level requirements, as well as meet additional requirements concerning the fencing in and earth berming of the entire storage area, drainage for the site, approach and access roads, and clearing of weeds and other vegetation. In addition, an emergency procedure plan, which had been reviewed by the local fire department, would have to be prepared and posted at the tire storage facility.

3) Someone who accumulated 100,000 tires or more would have to comply with all of the aforementioned requirements and would have to operate as a scrap tire processor as well.

- Beginning in the year 1990, requiring owners of collection sites and persons in the business of transporting scrap tires to register annually with the Department of Natural Resources and pay a \$200 fee which would be deposited in the general fund.

- Imposing a \$1 product charge on each new tire sold in the state, to be collected by the seller, deposited in the state treasury and credited to the Tire Recovery Fund. (The product charge would not apply to new tires or vehicles with tires attached that were bought for resale.) Sellers would be allowed to retain twenty-five cents of the product charge as compensation for administering the collection of the product charge and would have to keep separate records of product charge collections if the seller also did business not covered by the bill.
- Setting penalties for violations of the bill's provisions. Violations would be misdemeanors punishable by imprisonment for not more than 90 days, a fine of not more than \$500, or both, with each day a violation continued constituting a separate violation.
- Requiring the Department of Natural Resources (DNR) to inventory within six months of the effective date of the bill all locations with more than 500 scrap tires. Within a year of the effective date, the department would be required to notify the property owners of the requirements and penalties contained in the bill. (Failure of a property owner with an accumulation of more than 500 scrap tires to receive notice would not relieve him or her of responsibility under the bill.)
- Requiring the DNR to report to the legislature within five years after the effective date of the bill. The report would have to include information about the effectiveness of the bill (and any recommended changes), the volume of tires being deposited in landfills, and whether scrap tires should be banned from landfills in the future. The bill would also create the tire recovery fund in the Department of Treasury to fund grants addressing the disposal or recovery of scrap tires. Money deposited into the fund would be appropriated by the legislature to the Commission of Natural Resources only for the following purposes:
 - Grants of up to \$250,000 to people who owned collection sites, to cover up to 75 percent of the costs of bringing their storage sites into compliance with the bill;
 - Grants of up to \$1 million for up to 100 percent of research and marketing projects which met certain requirements and which were intended to develop resource recovery technologies for scrap tires;
 - Grants of up to \$200,000 covering up to 50 percent of certain expenses of scrap tire processors that were related to tire resource recovery;
 - Grants to local units of government of up to 100 percent of the cost of bringing collection sites into compliance with the bill or for funding resource recovery efforts;
 - To be used by the Department of Natural Resources to bring collection sites into compliance with the bill or to fund resource recovery efforts.

Grant applications would be reviewed by the tire recovery advisory panel, and recipients would be chosen by the Commission on Natural Resources, based on recommendations of the advisory council.

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The bill would create the tire recovery advisory panel in the DNR to review applications submitted to the Natural Resources Commission for grants made under the tire recovery fund. The panel also would be required to review applications for inclusion in the studies and assessments made under the fund. The panel would consist of five individuals appointed by the governor with one member of the Natural Resources Commission as chairperson of the panel and a representative of tire dealers, tire retailers, service station dealers and local units of government. Members of the panel and relatives and business associates of the members would not be eligible for grants made under the bill.

Sections of the bill creating the \$1 product charge, the tire recovery fund and advisory panel would be repealed five years after the bill was enacted.