



House
Legislative
Analysis
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RECYCLING SCRAP TIRES

AS ENROLLED

House Bill 4691 (Substitute H-2)
First Analysis (7-1-93)

Sponsor: Rep. Burton Leland
Committee: Conservation, Environment
& Great Lakes Affairs

THE APPARENT PROBLEM:

The disposal of used scrap tires is expensive, problematic, and sometimes raises environmental and public health concerns. In response to the problem, Public Act 133 of 1990 put in place a system of regulatory control to provide the state with funds to oversee and clean up abandoned scrap tire collection sites, and to allow private market solutions to develop. The Scrap Tire Regulatory Act prohibits individuals from discarding scrap tires on property other than their own without prior written permission from the property owner. The act also provides for the registration of scrap tire collection site owners, and sets up three levels of scrap tire storage facilities, each with its own storage requirements. The three levels represent collection sites with less than 2,500 tires; those with 2,500 to 100,000 tires; and those with 100,000 tires or more. The act also provides that a person who sells tires at retail and who contracts for the removal of scrap tires must contract with a hauler who is registered under the act.

The problem of scrap tires littering abandoned property sites continues, however. In large urban areas, the problem is especially troublesome. Hauling away scrap tires can be a lucrative business, but the business is also open to abuse. Tire retailers, for example, often accept scrap tires in exchange for the tires they sell to a customer, and charge a fee for the service. However, the retailer may dispose of these scrap tires illegally. Similarly, haulers, hired by retailers to transport scrap tires to collection sites, often dump the tires in vacant lots.

THE CONTENT OF THE BILL:

House Bill 4691 would amend the Scrap Tire Regulatory Act to prohibit the disposal of scrap tires other than as authorized by the act or by the Solid Waste Management Act or the Air Pollution Act.

Scrap Tire Retailers. A retailer who received scrap tires would also be required to dispose of them at a registered scrap tire collection site, a licensed landfill, or by contracting with a registered scrap tire hauler. The retailer would also be required to maintain records for five years, indicating the number and final disposition of tires disposed of and to make them available to the department or to a peace officer upon request.

Scrap Tire Haulers. The bill would differentiate between scrap tire haulers who transported scrap tires, and haulers registered under the Solid Waste Management Act who transport seven or fewer tires along with other solid waste in any truckload. The bill would require that the former -- tire haulers who register annually with the Department of Natural Resources ((DNR) -- comply with the following requirements:

- ** Keep a copy of the current unexpired scrap tire hauler registration in his or her possession and present it upon demand by a peace officer.
- ** Visibly display the registration number on a vehicle that transported scrap tires.
- ** Maintain a record of each load of scrap tires transported on forms approved by the department for a period of five years and make them available to the department or to a peace officer upon requests.
- ** Dispose of scrap tires only at the site identified on the records maintained by the hauler.

Under the bill, the records maintained by each strap tire hauler would have to contain the following information: the name, address, telephone number, authorized signature and registration number of the scrap tire hauler; the name, address, telephone number, and authorized signature of the person who

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contracted for the scrap tire removal; and the date of removal, number of scrap tires, and intended final destination of the tires. The original record would be kept in the possession of the hauler while transporting the tires. A copy would be provided to the person who contracted for the removal at the time of removal from the originating site. A copy would also be provided at the time of delivery to the registered scrap tire collection site or licensed landfill to which the scrap tires were delivered. A scrap tire hauler who did not provide all the information required by the department would not be considered registered.

Collection Sites. The owner of a scrap tire collection site would be required to submit documentation to the department annually, indicating the site was bonded. The department could not register a collection site until the owner submitted documentation that it was bonded in accordance with the requirements of the act for the registration period.

MCL 299.562 et al.

FISCAL IMPLICATIONS:

According to the Department of Natural Resources, the bill would have no impact on state funds. (6-30-93)

ARGUMENTS:

For:

The disposal of unwanted used tires poses an enormous problem for the state. Reportedly, there are two million abandoned scrap tires in the city of Detroit alone, and millions more throughout the state. The main problem is illegal dumping on the part of scrap tire haulers, and keeping track of tires from the time that they are (legally) disposed of by consumers until they are finally taken to a collection site. The bill would accomplish this by allowing the Department of Natural Resources keep track of scrap tires by a paperwork trail that would follow the tires, from the time they are accepted by a tire retailer, until the time they reach a collection site.

Against:

The bill doesn't attack the problem of abandoned tires at its source. If the problem is abandoned scrap tires on public property, then it would make more sense to treat tires in the same successful manner that pop bottles are treated. Deposits could

be charged for new tires, and collection sites could be set up at which deposits would be refunded. Abandoned tires would then soon be picked up by children looking for extra pocket money.

POSITIONS:

Representatives of the following testified before the committee in support of the bill (6-29-93):

- * The Department of Natural Resources
- * Michigan Retailers Association
- * Tire Recovery Inc.