



# HOUSE BILL No. 6105

September 19, 1996, Introduced by Reps. McManus, McBryde, Llewellyn, Hill, Gernaat, Jellema, Dalman, Hammerstrom, Johnson, Middaugh, Gnodtke and Byl and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 16903 of Act No. 451 of the Public Acts of 1994, entitled "Natural resources and environmental protection act," being section 324.16903 of the Michigan Compiled Laws; and to add section 16903a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1 Section 1. Section 16903 of Act No. 451 of the Public Acts  
2 of 1994, being section 324.16903 of the Michigan Compiled Laws,  
3 is amended and section 16903a is added to read as follows:

4 Sec. 16903. (1) A person who owns or operates a collection  
5 site where less than 2,500 scrap tires have been accumulated that  
6 are not stored in a building or stored in a covered vehicle shall  
7 comply with all of the following:

8 (a) Only tires shall be accumulated in a tire storage area.

1 (b) Except as provided in subdivision (f), the tires shall  
2 be accumulated in piles no greater than 15 feet in height with  
3 horizontal dimensions no greater than 200 by 40 feet.

4 (c) Except as provided in subdivision (f), the tires shall  
5 not be within 20 feet of the property line or within 60 feet of a  
6 building or structure.

7 (d) The tires shall be maintained in a manner that limits  
8 the potential of mosquito breeding by complying with 1 or more of  
9 the following:

10 (i) The tires shall be covered by plastic sheets or other  
11 impermeable barriers to prevent the accumulation of  
12 precipitation.

13 (ii) The tires shall be chemically treated to eliminate mos-  
14 quito breeding.

15 (iii) The tires shall be shredded or chipped into pieces no  
16 larger than 4 inches by 6 inches and stored in piles that allow  
17 complete water drainage.

18 (e) Except as provided in subdivision (f), there shall be a  
19 minimum separation of ~~20~~ 30 feet between tire piles. The open  
20 space between tire piles shall at all times be free of rubbish,  
21 equipment, and other materials.

22 (f) Tire piles shall be accessible to fire fighting  
23 equipment. If the requirement of this subdivision is met, the  
24 local fire department that serves the jurisdiction in which the  
25 collection site is located may approve a variance from the  
26 requirements of subdivisions (b), (c), and (e). Such an  
27 approval, if granted, shall be in writing.

1 (G) TIRES, INCLUDING SHREDDED TIRES, SHALL BE ISOLATED FROM  
2 OTHER STORED MATERIALS THAT MAY CREATE HAZARDOUS PRODUCTS IF  
3 THERE IS A FIRE, INCLUDING, BUT NOT LIMITED TO, LEAD ACID BATTE-  
4 RIES, FUEL TANKS, SOLVENT BARRELS, AND PESTICIDE CONTAINERS.

5 (H) THE COLLECTION SITE SHALL BE SUBJECT TO ANNUAL INSPEC-  
6 TION BY THE LOCAL FIRE DEPARTMENT THAT SERVES THE JURISDICTION IN  
7 WHICH THE COLLECTION SITE IS LOCATED.

8 (I) ALL PERSONS EMPLOYED TO WORK AT A COLLECTION SITE SHALL  
9 BE TRAINED IN EMERGENCY RESPONSE OPERATIONS. THE OWNER OR OPERA-  
10 TOR OF THE COLLECTION SITE SHALL MAINTAIN TRAINING RECORDS AND  
11 SHALL MAKE THESE RECORDS AVAILABLE TO THE LOCAL FIRE DEPARTMENT  
12 THAT SERVES THE JURISDICTION IN WHICH THE COLLECTION SITE IS  
13 LOCATED.

14 (J) ~~(g)~~ The person who owns a collection site shall main-  
15 tain a PERFORMANCE bond in favor of the department in an amount  
16 ~~, as determined by the department, sufficient to cover the cost~~  
17 ~~of removing the tires from the~~ OF \$10,000.00 PER ACRE OF tire  
18 storage area. However, for collection sites with fewer than  
19 2,500 tires, the bond shall not exceed \$2,500.00. A person who  
20 elects to use a certificate of deposit as bond shall receive any  
21 accrued interest on that certificate of deposit upon release of  
22 the bond by the department. A person who elects to post cash as  
23 bond shall accrue interest on that bond at the annual rate of 6%,  
24 to be accrued quarterly, except that the interest rate payable to  
25 an applicant shall not exceed the rate of interest accrued on the  
26 state common cash fund for the quarter in which an accrual is  
27 determined. Interest shall be paid to the applicant upon release

1 of the bond by the department. Any interest greater than 6%  
2 shall be deposited into the fund. The department may utilize a  
3 bond required under this part for removing scrap tires from a  
4 collection site, FOR OTHER COSTS OF CLEANUP AT THE COLLECTION  
5 SITE, AND FOR COSTS ASSOCIATED WITH RESPONDING TO A FIRE OR AN  
6 EMERGENCY AT A COLLECTION SITE, in case of an emergency at the  
7 collection site, insolvency of the collection site owner, or if  
8 the owner or operator of the collection site fails to comply with  
9 the requirements of this section and does not cause the removal  
10 of the tires at the direction of the department or a court of  
11 competent jurisdiction.

12 (2) A person who owns or operates a collection site where at  
13 least 2,500 but less than 100,000 scrap tires have been accumu-  
14 lated that are not stored in a building shall comply with all of  
15 the following:

16 (a) All of the requirements of subsection (1).

17 (b) The area in which the tires are accumulated shall be  
18 completely enclosed with a fence that is at least 6 feet tall  
19 with lockable gates and that is designed to prevent easy access.

20 (c) An earthen berm not less than 5 feet in height shall be  
21 positioned outside of the fence in which the tires are enclosed.

22 (d) The collection site shall contain sufficient drainage so  
23 that water does not pool or collect on the property.

24 (e) The approach road to the tire storage area and on-site  
25 access roads to the tire storage area shall be of all-weather  
26 construction and maintained in good condition AND FREE OF DEBRIS

1 AND EQUIPMENT so that it is passable at all times for fire  
2 fighting equipment vehicles.

3 (f) Tire storage areas shall be mowed regularly or otherwise  
4 kept free of weeds, vegetation, and other growth at all times.

5 (g) An emergency procedures plan shall be prepared and dis-  
6 played at the collection site. The plan shall include telephone  
7 numbers of the local fire and police departments. The plan shall  
8 be reviewed by the local fire department prior to being posted.

9 (H) SCRAP TIRES SHALL NOT BE ACCUMULATED IN EXCESS OF 10,000  
10 CUBIC YARDS OF SCRAP TIRES PER ACRE.

11 (3) A person who owns or operates a collection site where  
12 100,000 or more scrap tires have been accumulated that are not  
13 stored in a building shall comply with all of the requirements of  
14 subsections (1) and (2) and that person shall operate as a scrap  
15 tire processor.

16 SEC. 16903A. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL  
17 PREPARE AND IMPLEMENT A STATEWIDE RESPONSE PLAN FOR RESPONDING TO  
18 FIRES AT COLLECTION SITES.