

**SUBSTITUTE FOR
HOUSE BILL NO. 5380**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 16901, 16902, 16903, 16904a, 16905, 16906,
16908, and 16909 (MCL 324.16901, 324.16902, 324.16903,
324.16904a, 324.16905, 324.16906, 324.16908, and 324.16909), sec-
tions 16901 and 16903 as amended and section 16904a as added by
1997 PA 17 and section 16908 as amended by 1995 PA 268; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16901. As used in this part:

2 (a) "Abandoned scrap tires" means an accumulation of scrap
3 tires on property where the property owner is not, as determined
4 by the department, responsible in whole or in part for the
5 accumulation of the scrap tires. For the purposes of this
6 subdivision, an owner who purchased or willingly took possession

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1 of an existing scrap tire collection site shall be considered by
2 the department to be responsible in whole or in part for the
3 accumulation of the scrap tires.

4 (b) "Bond" means a performance bond from a surety company
5 authorized to transact business in this state, a certificate of
6 deposit, a cash bond, or an irrevocable letter of credit, in
7 favor of the department.

8 (c) "Collection site" means a site, other than a landfill, a
9 racecourse, or a feed storage location, that contains ~~either~~
10 ANY of the following:

11 (i) One or more pieces of adjacent real property where 500
12 or more scrap tires are accumulated and that is not associated
13 with a retail operation as provided in subparagraph (ii), ~~or~~
14 ~~with~~ an automotive recycler as provided in subparagraph (iii),
15 OR A COMMERCIAL CONTRACTOR AS PROVIDED IN SUBPARAGRAPH (iv).

16 (ii) One or more pieces of adjacent real property where
17 1,500 or more scrap tires are accumulated if that property is
18 owned or leased by a person who is a retailer and is not associ-
19 ated with an automotive recycler as provided in
20 subparagraph (iii).

21 (iii) One or more pieces of adjacent real property where
22 2,500 or more scrap tires are accumulated if that property is
23 owned or leased by a person who is an automotive recycler as
24 defined in section 2a of the Michigan vehicle code, 1949 PA 300,
25 MCL 257.2a.

26 (iv) ONE OR MORE PIECES OF ADJACENT REAL PROPERTY WHERE MORE
27 THAN 150 CUBIC YARDS OF SCRAP TIRE PROCESSED MATERIAL IS

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1 ACCUMULATED IF THAT PROPERTY IS OWNED OR LEASED BY A COMMERCIAL
2 CONTRACTOR THAT IS AUTHORIZED TO USE THE SCRAP TIRE PROCESSED
3 MATERIAL AS AN AGGREGATE REPLACEMENT IN A MANNER APPROVED BY A
4 DESIGNATION OF INERTNESS FOR SCRAP TIRES OR IS OTHERWISE AUTHO-
5 RIZED FOR SUCH USE BY THE DEPARTMENT UNDER PART 115.

6 (d) "Department" means the department of environmental
7 quality.

8 (E) "END-USER" MEANS ANY OF THE FOLLOWING:

9 (i) A PERSON WHO POSSESSES A PERMIT TO BURN TIRES UNDER
10 PART 55.

11 (ii) THE OWNER OR OPERATOR OF A LANDFILL THAT IS AUTHORIZED
12 UNDER THE LANDFILL'S OPERATING LICENSE TO USE SCRAP TIRES.

13 (iii) A PERSON WHO CONVERTS SCRAP TIRES INTO SCRAP TIRE PRO-
14 CESSSED MATERIAL USED TO MANUFACTURE OTHER PRODUCTS THAT ARE SOLD
15 IN THE MARKET BUT DOES NOT MANUFACTURE THE PRODUCTS THAT ARE SOLD
16 IN THE MARKET.

17 (F) ~~-(e)-~~ "Feed storage location" means a location on 1 or
18 more pieces of adjacent real property containing a commercially
19 operated farming operation where not more than 3,000 scrap tires
20 are used for the purpose of securing stored feed.

21 (G) ~~-(f)-~~ "Fund" means the scrap tire regulatory fund cre-
22 ated in section 16908.

23 (H) ~~-(g)-~~ "Landfill" means ~~that term~~ A LANDFILL as ~~it is~~
24 defined in section 11504 THAT IS LICENSED UNDER PART 115.

25 (I) ~~-(h)-~~ "Racecourse" means a commercially operated track
26 for go-carts, vehicles, off-road recreational vehicles, or

1 motorcycles that uses not more than 3,000 scrap tires for bumpers
2 along the track for safety purposes.

3 (J) ~~-(i)-~~ "Retailer" means a person who sells or offers for
4 sale new, retreaded, or remanufactured tires to consumers in this
5 state.

6 (K) ~~-(j)-~~ "Scrap tire" means a tire that is no longer being
7 used for its original intended purpose INCLUDING, BUT NOT LIMITED
8 TO, A USED TIRE, A REUSABLE TIRE CASING, OR PORTIONS OF TIRES.
9 Scrap tire does not include a vehicle support stand.

10 (l) ~~-(k)-~~ "Scrap tire hauler" means a person who, as part of
11 a commercial business, transports scrap tires, other than a solid
12 waste hauler. ~~as defined in part 115 who transports 7 or fewer~~
13 ~~scrap tires along with other solid waste in any truckload.~~

14 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO TRANS-
15 PORTS MORE THAN 7 SCRAP TIRES IN ANY TRUCKLOAD SHALL BE CONSID-
16 ERED TO BE IN THE COMMERCIAL BUSINESS OF TRANSPORTING SCRAP
17 TIRES. SCRAP TIRE HAULER DOES NOT INCLUDE ANY OF THE FOLLOWING:

18 (i) A PERSON WHO IS NOT OPERATING A COMMERCIAL BUSINESS WHO
19 IS TRANSPORTING HIS OR HER OWN TIRES TO A LOCATION AUTHORIZED IN
20 SECTION 16902(1).

21 (ii) A MEMBER OF A NONPROFIT SERVICE ORGANIZATION WHO IS
22 PARTICIPATING IN A COMMUNITY SERVICE PROJECT AND IS TRANSPORTING
23 SCRAP TIRES TO A LOCATION AUTHORIZED IN SECTION 16902(1).

24 (iii) THE OWNER OF A FARM AS DEFINED IN SECTION 2 OF THE
25 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472, WHO TRANS-
26 PORTS ONLY SCRAP TIRES THAT ORIGINATED FROM HIS OR HER FARM
27 OPERATION.

1 (M) "SCRAP TIRE PROCESSED MATERIAL" MEANS RUBBER MATERIAL
2 DERIVED FROM TIRES THAT MEETS INDUSTRY STANDARDS FOR USE IN
3 INDUSTRY.

4 (N) ~~-(t)-~~ "Scrap tire processor" means a person WHO IS
5 AUTHORIZED BY THIS PART TO ACCUMULATE SCRAP TIRES AND IS engaged
6 in the business of ~~storing,~~ buying ~~,~~ or otherwise acquiring
7 scrap tires ~~,~~ and reducing their volume by shredding or other-
8 wise facilitating recycling or resource recovery techniques for
9 scrap tires. ~~A scrap tire processor includes a person who, in~~
10 ~~addition to processing the scrap tires, incinerates the tires or~~
11 ~~converts the tires into a product or another end use.~~

12 (O) "SCRAP TIRE RECYCLER" MEANS A PERSON WHO IS AUTHORIZED
13 BY THIS PART TO ACCUMULATE SCRAP TIRES, WHO ACQUIRES SCRAP TIRES,
14 AND WHO CONVERTS SCRAP TIRES INTO A PRODUCT THAT IS SOLD OR
15 REUSED IN A MANNER AUTHORIZED BY THIS PART.

16 (P) "SOLID WASTE HAULER" MEANS A SOLID WASTE HAULER AS
17 DEFINED IN PART 115 WHO TRANSPORTS 7 OR FEWER SCRAP TIRES ALONG
18 WITH OTHER SOLID WASTE IN ANY TRUCKLOAD.

19 (Q) ~~-(m)-~~ "Tire" means a continuous solid or pneumatic
20 rubber covering encircling the wheel of a tractor or other farm
21 machinery or of a vehicle.

22 (R) ~~-(n)-~~ "Tire storage area" means a location within a col-
23 lection site where tires are accumulated.

24 (S) ~~-(o)-~~ "Vehicle" means every device in, upon, or by which
25 any person or property is or may be transported or drawn upon a
26 highway, excepting devices exclusively moved by human power or
27 used exclusively upon stationary rails or tracks and excepting a

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1 mobile home as defined in section 2 of the mobile home commission
2 act, 1987 PA 96, MCL 125.2302.

3 (T) ~~(P)~~ "Vehicle support stand" means equipment used to
4 support a stationary vehicle consisting of an inflated tire and
5 wheel that is attached to another wheel.

6 Sec. 16902. (1) ~~A person shall not discard a tire on any~~
7 ~~property that is not in compliance with sections 16903 and~~
8 ~~16904.~~ A PERSON SHALL DELIVER A SCRAP TIRE ONLY TO A COLLECTION
9 SITE REGISTERED UNDER SECTION 16904, A LANDFILL, AN END-USER, A
10 SCRAP TIRE PROCESSOR, A TIRE RETAILER, OR A SCRAP TIRE RECYCLER,
11 THAT IS IN COMPLIANCE WITH THIS PART.

12 (2) ~~A person shall not dispose of a scrap tire in any~~
13 ~~manner other than a manner authorized by this part or by part 55~~
14 ~~or part 115.~~ A PERSON WHO BY CONTRACT, AGREEMENT, OR OTHERWISE
15 ARRANGES FOR THE REMOVAL OF SCRAP TIRES SHALL DO SO WITH A SOLID
16 WASTE HAULER OR A SCRAP TIRE HAULER WHO IS REGISTERED PURSUANT TO
17 SECTION 16905(1) AND WHO BY CONTRACT, AGREEMENT, OR OTHERWISE IS
18 OBLIGATED TO DELIVER THE SCRAP TIRES TO THE DESTINATION AS IDEN-
19 TIFIED IN SECTION 16905(3)(C).

20 (3) SUBSECTION (2) DOES NOT DO ANY OF THE FOLLOWING:

21 (A) PROHIBIT A PERSON WHO IS NOT OPERATING A COMMERCIAL
22 BUSINESS FROM TRANSPORTING HIS OR HER SCRAP TIRES TO A SITE
23 AUTHORIZED BY SUBSECTION (1).

24 (B) PROHIBIT A MEMBER OF A NONPROFIT SERVICE ORGANIZATION
25 WHO IS PARTICIPATING IN A COMMUNITY SERVICE PROJECT FROM TRANS-
26 PORTING SCRAP TIRES TO A SITE AUTHORIZED BY SUBSECTION (1).

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1 (C) PROHIBIT THE OWNER OF A FARM AS DEFINED IN SECTION 2 OF
2 THE MICHIGAN RIGHT TO FARM ACT, 1982 PA 93, MCL 286.472, FROM
3 TRANSPORTING SCRAP TIRES THAT ORIGINATED FROM HIS OR HER FARM
4 OPERATION TO A LOCATION AUTHORIZED BY SUBSECTION (1).

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

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

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

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

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

19 (i) The tires shall be covered by plastic sheets or other
20 impermeable barriers to prevent the accumulation of
21 precipitation.

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

24 (iii) The tires shall be BALED, shredded, or chipped into
25 pieces no larger than 4 inches by 6 inches and stored in piles
26 that allow complete water drainage.

1 (e) Except as provided in subdivision (f), there shall be a
2 minimum separation of 30 feet between tire piles. ~~However, a~~
3 ~~collection site that was in operation on the effective date of~~
4 ~~the 1997 amendments to this subdivision has 2 years after this~~
5 ~~date to comply with this subdivision. During this 2-year period,~~
6 ~~there shall be a minimum of 20 feet between tire piles. A col-~~
7 ~~lection site that has not, within 6 months after the effective~~
8 ~~date of the 1997 amendments to this subdivision, made significant~~
9 ~~progress toward compliance with the 30-foot separation distance~~
10 ~~provided in this subdivision shall not receive scrap tires until~~
11 ~~the collection site complies with the 30-foot separation~~
12 ~~distance. The department may grant an exemption to the 30-foot~~
13 ~~separation distance provided in this subdivision for a specified~~
14 ~~period of time if the owner or operator demonstrates to the~~
15 ~~department's satisfaction that expansion of the collection site~~
16 ~~is not possible due to the unavailability of additional space and~~
17 ~~that the owner or operator has made a good faith effort to find~~
18 ~~markets for the excess scrap tires that would have to be removed~~
19 ~~in order to comply with the 30-foot separation distance. The~~
20 open space between tire piles shall at all times be free of rub-
21 bish, 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.

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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 an annual
6 inspection and additional inspections at any reasonable time by
7 the local fire department that serves the jurisdiction in which
8 the collection site is located.

9 (i) All persons employed to work at the collection site
10 shall be trained in emergency response operations. The owner or
11 operator of the collection site shall maintain training records
12 and shall make these records available to the local fire depart-
13 ment that serves the jurisdiction in which the collection site is
14 located.

15 (j) The person who owns ~~a~~ THE collection site shall main-
16 tain a performance bond in favor of the department. The amount
17 of the bond shall be not ~~less~~ MORE than the sum of [\$25,000.00]
18 per ~~quarter~~ acre, or fraction thereof, of outdoor
19 tire storage area, and notwithstanding the limitation provided in
20 subsection (1), \$2.00 per square foot of tire storage area in a
21 building. ~~and \$750.00 for each vehicle used as a tire storage~~
22 ~~area.~~ However, for collection sites with fewer than 2,500 tires,
23 the bond shall not exceed \$2,500.00. A BOND IS NOT REQUIRED
24 UNDER THIS SUBDIVISION FOR A QUALIFYING TIRE CHIP STORAGE AREA. A
25 person who elects to use a certificate of deposit as bond shall
26 receive any accrued interest on that certificate of deposit upon
27 release of the bond by the department. A person who elects to

1 post cash as bond shall accrue interest on that bond at the
2 annual rate of 6%, to be accrued quarterly, except that the
3 interest rate payable to an applicant shall not exceed the rate
4 of interest accrued on the state common cash fund for the quarter
5 in which an accrual is determined. Interest shall be paid to the
6 applicant upon release of the bond by the department. Any inter-
7 est greater than 6% shall be deposited into the fund. The
8 department may utilize a bond required under this part for remov-
9 ing scrap tires from a collection site, ~~for bringing the collec-~~
10 ~~tion site into compliance with this part,~~ for other costs of
11 cleanup at the collection site, and for costs of fire suppression
12 and costs associated with responding to a fire or an emergency at
13 a collection site, in case of an emergency at the collection
14 site, insolvency of the collection site owner, or if the owner or
15 operator of the collection site fails to comply with the require-
16 ments of this section and does not cause the removal of the tires
17 at the direction of ~~the department or~~ a court of competent
18 jurisdiction. AS USED IN THIS SUBDIVISION, "QUALIFYING TIRE CHIP
19 STORAGE AREA" MEANS 1 OR MORE LOCATIONS WITHIN A COLLECTION SITE
20 WHERE TIRE CHIPS ARE STORED IF ALL OF THE FOLLOWING CONDITIONS
21 ARE MET:

22 (i) THE TIRE CHIPS ARE MARKETABLE AND NO LARGER THAN 2
23 INCHES BY 2 INCHES IN SIZE.

24 (ii) THE TIRE CHIPS ARE STORED IN ACCORDANCE WITH THE
25 REQUIREMENTS OF SECTION 16903.

26 (iii) NOT LESS THAN 75% OF THE SCRAP TIRES, BY WEIGHT OR
27 VOLUME, THAT ARE STORED AT THE COLLECTION SITE EACH CALENDAR YEAR

1 ARE REMOVED FROM THE COLLECTION SITE TO AN APPROVED MARKET DURING
2 THAT YEAR, AND THE COLLECTION SITE OWNER OR OPERATOR CERTIFIES
3 COMPLIANCE WITH THIS SUBPARAGRAPH ON A FORM APPROVED BY THE
4 DEPARTMENT.

5 (iv) THE AREAS OF THE SCRAP TIRE COLLECTION SITE THAT ARE
6 USED FOR STORAGE OF THE TIRE CHIPS ARE NOT LARGER THAN A TOTAL OF
7 1 ACRE AND THOSE AREAS ARE INDICATED ON A SURVEY BY A REGISTERED
8 PROFESSIONAL ENGINEER SUBMITTED TO THE DEPARTMENT AS PART OF THE
9 COLLECTION SITE REGISTRATION.

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

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

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

19 (c) An earthen berm not less than 5 feet in height shall ~~be~~
20 ~~positioned outside of the fence in which the tires are enclosed~~
21 COMPLETELY ENCLOSE THE TIRE STORAGE AREA EXCEPT TO ALLOW FOR NEC-
22 ESSARY INGRESS AND EGRESS FROM ROADWAYS AND BUILDINGS.

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

25 (e) The approach road to the tire storage area and on-site
26 access roads to the tire storage area shall be of all-weather
27 construction and maintained in good condition and free of debris

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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. 16904a. ~~-(1) An~~ EXCEPT AS PROVIDED IN SECTION 16906,
17 AN end-user is exempt from this part for scrap tires stored on
18 the site of the end-user if not less than 75% of the scrap tires,
19 by weight or volume, that are stored on site each calendar year
20 are recycled or used for resource recovery during that year, and
21 the end-user annually certifies his or her compliance with this
22 section on a form approved by the department.

23 ~~-(2) As used in this section:~~

24 ~~(a) "Crumb rubber" means rubber material derived from tires~~
25 ~~that is less than 1/8 inch by 1/8 inch in size and is free of all~~
26 ~~steel and all fiber.~~

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1 ~~(b) "End user" means any of the following:~~

2 ~~(i) A person who possesses a permit to burn tires under part~~
3 ~~55.~~

4 ~~(ii) A person who possesses a permit to construct a landfill~~
5 ~~under part 115.~~

6 ~~(iii) A person who only engineers scrap tires into crumb~~
7 ~~rubber that is used to manufacture products that are sold in the~~
8 ~~market.~~

9 Sec. 16905. (1) By January 31 of each year, a scrap tire
10 hauler shall annually register with the department on a form pro-
11 vided by, and containing the information required by, the
12 department. A scrap tire hauler who does not provide all of the
13 information required by the department shall not be considered
14 registered under this part.

15 (2) A scrap tire hauler when transporting scrap tires shall
16 have in his or her possession a copy of the current unexpired
17 scrap tire hauler registration and shall present it upon demand
18 of a peace officer. The scrap tire hauler registration number
19 issued by the department shall be visibly displayed on a vehicle
20 transporting scrap tires.

21 (3) A scrap tire hauler shall maintain a record of each load
22 of scrap tires he or she transports on forms approved by the
23 department. These records shall be maintained for a period of
24 ~~5~~ 3 years and shall be made available, upon request, to the
25 department or to a peace officer at reasonable hours. These
26 records shall contain at least the following information:

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1 (a) The name, address, telephone number, authorized
2 signature, and registration number of the scrap tire hauler.

3 (b) The name, address, telephone number, and authorized sig-
4 nature of the person who contracts for the removal of the scrap
5 tires.

6 (C) THE NAME, ADDRESS, TELEPHONE NUMBER, AND, UPON DELIVERY,
7 THE AUTHORIZED SIGNATURE OF THE OWNER OR OPERATOR OF THE COLLEC-
8 TION SITE, LANDFILL, END-USER, SCRAP TIRE PROCESSOR, TIRE RETAIL-
9 ER, OR SCRAP TIRE RECYCLER, WHERE THE TIRES ARE TO BE DELIVERED.

10 (D) ~~-(c)-~~ The date of removal ~~—, AND THE~~ number of scrap
11 tires ~~—, and intended final destination of the scrap tires~~ BEING
12 TRANSPORTED.

13 (4) A scrap tire hauler shall not dispose of scrap tires at
14 a ~~—site—~~ LOCATION other than the ~~—site—~~ LOCATION identified on
15 the record required by subsection ~~-(3)-~~ (3)(C).

16 (5) The original record as required by subsection (3) shall
17 be in the possession of the scrap tire hauler during the actual
18 transportation of the scrap tires. A copy of the record provided
19 for in subsection (3) shall be provided to the person who con-
20 tracts for the removal of scrap tires at the time of removal of
21 the tires from the originating ~~—site—~~ LOCATION. A copy shall
22 also be provided to the registered scrap tire collection site,
23 ~~—or licensed—~~ THE landfill, END-USER, SCRAP TIRE PROCESSOR, TIRE
24 RETAILER, OR SCRAP TIRE RECYCLER to which the scrap tires are
25 delivered at the time of delivery.

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1 ~~(6) A person who contracts for the removal of scrap tires~~
2 ~~shall contract with a scrap tire hauler who is registered under~~
3 ~~subsection (1).~~

4 Sec. 16906. ~~The department shall contact each local health~~
5 ~~department as defined in section 1105 of the public health code,~~
6 ~~Act No. 368 of the Public Acts of 1978, being section 333.1105 of~~
7 ~~the Michigan Compiled Laws, and shall request that local health~~
8 ~~department to provide a list, including the location and owner,~~
9 ~~if known, of all known significant tire piles within its~~
10 ~~jurisdiction.~~

11 (1) A PERSON, OTHER THAN A PROPERTY OWNER REMOVING 7 OR
12 FEWER SCRAP TIRES FROM HIS OR HER PROPERTY, WHO BY CONTRACT,
13 AGREEMENT, OR OTHERWISE ARRANGES FOR THE REMOVAL OF SCRAP TIRES
14 FROM A PROPERTY UNDER HIS OR HER CONTROL, INCLUDING AN END-USER,
15 SHALL MAINTAIN AT THE SITE OF REMOVAL ALL RECORDS OBTAINED FROM A
16 REGISTERED SCRAP TIRE HAULER PURSUANT TO SECTION 16905(5) AND ALL
17 RECORDS RECEIVED FROM AN OWNER, OPERATOR, OR AUTHORIZED AGENT OF
18 A LOCATION PURSUANT TO SUBSECTION (3). A PERSON WHO BY CONTRACT,
19 AGREEMENT, OR OTHERWISE ARRANGES FOR THE REMOVAL OF SCRAP TIRES
20 FROM A PROPERTY UNDER HIS OR HER CONTROL HAS NO AFFIRMATIVE DUTY
21 TO OBTAIN THESE RECORDS AND SHALL NOT BE HELD LIABLE FOR THE
22 FAILURE TO RECEIVE SUCH RECORDS. THESE RECORDS SHALL BE MAIN-
23 TAINED AT THE SITE OF REMOVAL FOR A PERIOD OF 3 YEARS AND SHALL
24 BE MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST DURING NORMAL
25 BUSINESS HOURS.

26 (2) A PERSON, OTHER THAN A SOLID WASTE HAULER OR A SCRAP
27 TIRE HAULER WHO RECEIVES SCRAP TIRES, INCLUDING AN END-USER,

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1 SHALL MAINTAIN A RECORD OF ALL SCRAP TIRES RECEIVED. THESE
2 RECORDS SHALL BE MAINTAINED FOR A PERIOD OF 3 YEARS AND SHALL BE
3 MADE AVAILABLE UPON REQUEST TO THE DEPARTMENT OR A PEACE OFFICER
4 AT REASONABLE HOURS. THESE RECORDS SHALL CONTAIN ALL OF THE
5 INFORMATION REQUIRED OF A SCRAP TIRE HAULER IN SECTION 16905(3).

6 (3) UPON DELIVERY OF SCRAP TIRES TO A LOCATION AUTHORIZED
7 UNDER SECTION 16902, THE OWNER, OPERATOR, OR AUTHORIZED AGENT OF
8 THAT LOCATION SHALL SIGN THE RECORD, INDICATING ACCEPTANCE OF THE
9 SCRAP TIRES, AND PROVIDE A COPY OF THE SIGNED RECORD TO THE
10 PERSON DELIVERING THE SCRAP TIRES AND SHALL WITHIN 30 DAYS FOR-
11 WARD A COPY OF THE SIGNED RECORD TO THE PERSON WHO BY CONTRACT,
12 AGREEMENT, OR OTHERWISE ARRANGED FOR THE REMOVAL OF THE SCRAP
13 TIRES BEING DELIVERED.

14 Sec. 16908. (1) The scrap tire regulatory fund is created
15 in the state treasury. The fund shall receive money as provided
16 by law and any gifts or contributions to the fund. The state
17 treasurer shall direct the investment of the fund. Interest and
18 earnings of the fund shall be credited to the fund. Money in the
19 fund at the close of the fiscal year shall remain in the fund and
20 shall not revert to the general fund.

21 (2) Money in the fund shall be used, upon appropriation, for
22 all of the following purposes:

23 (a) ~~Not more than 50% of the money in the fund, annually,~~
24 ~~for~~ FOR administrative costs of the department associated with
25 this part including the implementation and enforcement of this
26 part. ~~, or~~ HOWEVER, MONEY SHALL NOT BE EXPENDED UNDER THIS
27 SUBDIVISION for the employment of ~~not~~ more than THE FOLLOWING:

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1 (i) FOR STATE FISCAL YEAR 2002, 13.5 full-time equated
2 positions.

3 (ii) FOR STATE FISCAL YEAR 2003, 12 FULL-TIME EQUATED
4 POSITIONS.

5 (iii) FOR STATE FISCAL YEARS 2004 AND 2005, 10 FULL-TIME
6 EQUATED POSITIONS.

7 (iv) FOR STATE FISCAL YEARS 2006 AND 2007, 8 FULL-TIME
8 EQUATED POSITIONS.

9 (v) FOR STATE FISCAL YEAR 2008 AND EACH SUBSEQUENT STATE
10 FISCAL YEAR, 6 FULL-TIME EQUATED POSITIONS.

11 (b) For the administrative costs of the secretary of state
12 associated with the collection of the tire disposal surcharge
13 pursuant to section 806 of the Michigan vehicle code, ~~Act~~
14 ~~No. 300 of the Public Acts of 1949, being section 257.806 of the~~
15 ~~Michigan Compiled Laws~~ 1949 PA 300, MCL 257.806.

16 (c) For the cleanup or collection of abandoned scrap tires
17 and scrap tires ~~accumulated prior to January 1, 1991~~ at collec-
18 tion sites. THE DEPARTMENT SHALL GIVE PRIORITY TO FUNDING ACTIV-
19 ITIES UNDER THIS SUBDIVISION AT COLLECTION SITES IN WHICH THE
20 SCRAP TIRES WERE ACCUMULATED PRIOR TO JANUARY 1, 1991 AND TO COL-
21 LECTION SITES THAT POSE AN IMMINENT THREAT TO PUBLIC HEALTH,
22 SAFETY, WELFARE, OR THE ENVIRONMENT. THE DEPARTMENT SHALL MAKE
23 EVERY EFFORT TO ASSURE THAT ALL ABANDONED SCRAP TIRES ACCUMULATED
24 AT COLLECTION SITES PRIOR TO JANUARY 1, 1991 ARE CLEANED UP OR
25 COLLECTED BY SEPTEMBER 31, 2009.

26 (3) MONEY EXPENDED UNDER SUBSECTION (2)(C) MAY BE EXPENDED
27 FOR BOTH OF THE FOLLOWING:

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18

1 (A) NOT MORE THAN \$500,000.00 EACH YEAR FOR REIMBURSEMENT
2 GRANTS TO USERS OF SCRAP TIRE PROCESSED MATERIAL TO SUPPORT THE
3 DEVELOPMENT OF INCREASED MARKETS FOR SCRAP TIRE MATERIAL OTHER
4 THAN TIRE-DERIVED FUEL USAGE. A GRANT ISSUED UNDER THIS SUBSEC-
5 TION SHALL BE FOR PROJECTS THAT DEMONSTRATE NEW USES FOR SCRAP
6 TIRE PROCESSED MATERIAL IN MANUFACTURED PRODUCTS, SUCH AS PLACE-
7 MENT OF SCRAP TIRE PROCESSED MATERIAL IN MODIFIED ASPHALT, MOLDED
8 RUBBER PRODUCTS, EXTRUDED RUBBER PRODUCTS, AND AGGREGATE REPLACE-
9 MENT MATERIALS. A GRANT UNDER THIS SUBDIVISION SHALL REIMBURSE
10 THE SCRAP TIRE PROCESSED MATERIAL USER UP TO 50% OF THE COST OF
11 PURCHASING SCRAP TIRE PROCESSED MATERIAL, BUT SHALL NOT EXCEED A
12 REIMBURSED COST OF \$50.00 PER TON. HOWEVER, THE SCRAP TIRE PRO-
13 CESSSED MATERIAL PURCHASED SHALL BE PURCHASED FROM MICHIGAN SCRAP
14 TIRE PROCESSORS THAT PRODUCE SCRAP TIRE PROCESSED MATERIAL UNDER
15 A GRANT ISSUED UNDER SUBSECTION (2)(C). A GRANT SHALL NOT BE
16 ISSUED UNDER THIS SUBDIVISION FOR THE USE OF SCRAP TIRE PROCESSED
17 MATERIAL AS A SOIL AMENDMENT.

18 (B) FOR GRANTS TO END-USERS WHO RECEIVE SCRAP TIRES OR TIRE
19 CHIPS. HOWEVER, AS A CONDITION OF A GRANT UNDER THIS SUBDIVI-
20 SION, AN END-USER WHO RECEIVES A GRANT UNDER THIS SUBDIVISION
21 SHALL AGREE TO PURCHASE 1 TON OF SCRAP TIRES OR TIRE CHIPS FOR
22 EVERY 1 TON OF SCRAP TIRES OR TIRE CHIPS RECEIVED AS A RESULT OF
23 THE GRANT. THE PURCHASES SHALL BE AT THE MINIMUM RATE OF THE
24 ESTABLISHED STATEWIDE MARKET PRICE.

25 (4) APPLICATIONS FOR GRANTS UNDER SUBSECTION (3) SHALL BE
26 SUBMITTED ON A FORM APPROVED BY THE DEPARTMENT AND CONTAINING THE
27 INFORMATION REQUIRED BY THE DEPARTMENT. FOR GRANTS UNDER

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1 SUBSECTION (3)(A), THE DEPARTMENT SHALL PUBLISH CRITERIA UPON
2 WHICH THE GRANTS WILL BE ISSUED AND SHALL MAKE THAT INFORMATION
3 AVAILABLE TO GRANT APPLICANTS.

4 (5) NOT LATER THAN 4 YEARS AFTER THE EFFECTIVE DATE OF THE
5 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DEPARTMENT SHALL
6 PREPARE AN ASSESSMENT OF THE IMPACT THAT THE GRANTS UNDER SUBSEC-
7 TION (3)(A) HAVE HAD ON THE REDUCTION IN THE SURPLUS OF SCRAP
8 TIRES IN THE STATE AND ON THE ESTABLISHMENT OF NEW END USES FOR
9 SCRAP TIRES. A COPY OF THIS ASSESSMENT SHALL BE PROVIDED TO THE
10 STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTA-
11 TIVES WITH JURISDICTION OVER SUBJECT MATTER PERTAINING TO NATURAL
12 RESOURCES AND THE ENVIRONMENT.

13 (6) ~~-(3)-~~ The department shall annually report to the
14 ~~legislature~~ STANDING COMMITTEES OF THE SENATE AND HOUSE OF REP-
15 RESENTATIVES WITH JURISDICTION OVER SUBJECT MATTER PERTAINING TO
16 NATURAL RESOURCES AND THE ENVIRONMENT on the utilization of reve-
17 nues of the fund.

18 Sec. 16909. (1) A person who violates this part ~~is guilty~~
19 ~~of a misdemeanor punishable by imprisonment for not more than 90~~
20 ~~days or a fine of not more than \$10.00 for each tire that is dis-~~
21 ~~posed of or accumulated in violation of this part, or both~~ WHEN
22 FEWER THAN 50 TIRES ARE INVOLVED IS GUILTY OF A MISDEMEANOR PUN-
23 ISHABLE BY IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF
24 NOT LESS THAN \$200.00 OR MORE THAN \$500.00, OR BOTH.

25 (2) A PERSON WHO VIOLATES THIS PART WHEN 50 OR MORE TIRES
26 ARE INVOLVED IS GUILTY OF A MISDEMEANOR PUNISHABLE BY
27 IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A FINE OF NOT LESS

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1 THAN \$500.00 OR MORE THAN \$10,000.00, OR BOTH, FOR EACH
2 VIOLATION.

3 (3) A PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION
4 OF THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISON-
5 MENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN
6 \$1,000.00 OR MORE THAN \$25,000.00, OR BOTH, FOR EACH VIOLATION.

7 (4) ~~(2)~~ In addition to ~~, or as an alternative to, the~~
8 ~~penalties provided under subsection (1)~~ ANY OTHER PENALTY PRO-
9 VIDED FOR IN THIS SECTION, the court may order a person who vio-
10 lates this part to perform not more than 100 hours of community
11 service.

12 (5) ~~(3) Each~~ FOR ANY VIOLATION OF THIS PART, EACH day that
13 a violation continues ~~may constitute~~ CONSTITUTES a separate
14 violation.

15 (6) ~~(4) A law enforcement officer or a conservation~~
16 PEACE officer may issue an appearance ticket AS DESCRIBED AND
17 AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF
18 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, to a
19 person who is in violation of this part.

20 Enacting section 1. Section 16902a of the natural resources
21 and environmental protection act, 1994 PA 451, MCL 324.16902a, is
22 repealed.

23 Enacting section 2. This amendatory act does not take
24 effect unless Senate Bill No. 27 of the 91st Legislature is
25 enacted into law.