

**SENATE 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 by
adding sections 16903b and 16903c; 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

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1 subdivision, an owner who purchased or willingly took possession
2 of an existing scrap tire collection site shall be considered by
3 the department to be responsible in whole or in part for the
4 accumulation of the scrap tires.

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

9 (c) "Collection site" means a site, other than a ~~landfill~~
10 DISPOSAL AREA LICENSED UNDER PART 115, a racecourse, or a feed
11 storage location, that contains ~~either~~ ANY of the following:

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

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

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

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1 (iv) ONE OR MORE PIECES OF ADJACENT REAL PROPERTY WHERE MORE
2 THAN 150 CUBIC YARDS OF SCRAP TIRE PROCESSED MATERIAL IS
3 ACCUMULATED IF THAT PROPERTY IS OWNED OR LEASED BY A COMMERCIAL
4 CONTRACTOR THAT IS AUTHORIZED TO USE THE SCRAP TIRE PROCESSED
5 MATERIAL AS AN AGGREGATE REPLACEMENT IN A MANNER APPROVED BY A
6 DESIGNATION OF INERTNESS FOR SCRAP TIRES OR IS OTHERWISE AUTHO-
7 RIZED FOR SUCH USE BY THE DEPARTMENT UNDER PART 115.

8 (d) "Department" means the department of environmental
9 quality.

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

11 (i) A PERSON WHO POSSESSES A PERMIT TO BURN TIRES UNDER
12 PART 55.

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

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

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

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

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

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1 (I) ~~(h)~~ "Racecourse" means a commercially operated track
2 for go-carts, vehicles, off-road recreational vehicles, or
3 motorcycles that uses not more than 3,000 scrap tires for bumpers
4 along the track for safety purposes.

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

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

12 (l) ~~(k)~~ "Scrap tire hauler" means a person who, as part of
13 a commercial business, transports scrap tires. ~~, other than a~~
14 ~~solid waste hauler as defined in part 115 who transports 7 or~~
15 ~~fewer scrap tires along with other solid waste in any truckload.~~
16 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON WHO TRANS-
17 PORTS MORE THAN 7 SCRAP TIRES IN ANY TRUCKLOAD SHALL BE CONSID-
18 ERED TO BE IN THE COMMERCIAL BUSINESS OF TRANSPORTING SCRAP
19 TIRES. SCRAP TIRE HAULER DOES NOT INCLUDE ANY OF THE FOLLOWING:

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

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

26 (iii) THE OWNER OF A FARM AS DEFINED IN SECTION 2 OF THE
27 MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.472, WHO

1 TRANSPORTS ONLY SCRAP TIRES THAT ORIGINATED FROM HIS OR HER FARM
2 OPERATION OR IS INTENDED FOR USE IN A FEED STORAGE LOCATION.

3 (iv) A SOLID WASTE HAULER AS DEFINED IN PART 115 THAT IS
4 TRANSPORTING SOLID WASTE TO A DISPOSAL AREA LICENSED UNDER PART
5 115.

6 (M) "SCRAP TIRE PROCESSED MATERIAL" MEANS RUBBER MATERIAL
7 DERIVED FROM TIRES THAT IS MARKETABLE AND NO LARGER THAN 2 INCHES
8 BY 2 INCHES IN SIZE. SCRAP TIRE PROCESSED MATERIAL ALSO INCLUDES
9 RUBBER MATERIAL DERIVED FROM TIRES THAT IS LARGER THAN 2 INCHES
10 BY 2 INCHES IF THE RUBBER MATERIAL WAS PRODUCED BY A SCRAP TIRE
11 PROCESSOR PURSUANT TO A WRITTEN CONTRACT THAT PROVIDES FOR THE
12 QUANTITY AND THE QUALITY OF THE MATERIAL AND A TIME FRAME IN
13 WHICH THE VOLUME OF MATERIAL IS TO BE PROVIDED, AND THE CONTRACT
14 IS MADE AVAILABLE TO THE DEPARTMENT UPON REQUEST.

15 (N) ~~-(I)-~~ "Scrap tire processor" means a person WHO IS
16 AUTHORIZED BY THIS PART TO ACCUMULATE SCRAP TIRES AND IS engaged
17 in the business of ~~storing,~~ buying ~~,~~ or otherwise acquiring
18 scrap tires ~~,~~ and reducing their volume by shredding or other-
19 wise facilitating recycling or resource recovery techniques for
20 scrap tires. ~~A scrap tire processor includes a person who, in~~
21 ~~addition to processing the scrap tires, incinerates the tires or~~
22 ~~converts the tires into a product or another end use.~~

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

(P) "SOLID WASTE HAULER" MEANS A SOLID WASTE HAULER AS DEFINED IN
PART 115 WHO TRANSPORTS LESS THAN 25% BY WEIGHT OR VOLUME OF SCRAP TIRES
ALONG WITH OTHER SOLID WASTE IN ANY TRUCKLOAD.

1 (Q) ~~-(m)-~~ "Tire" means a continuous solid or pneumatic

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2 rubber covering encircling the wheel of a tractor or other farm
3 machinery or of a vehicle.

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

6 (S) ~~(o)~~ "Vehicle" means every device in, upon, or by which
7 any person or property is or may be transported or drawn upon a
8 highway, excepting devices exclusively moved by human power or
9 used exclusively upon stationary rails or tracks and excepting a
10 mobile home as defined in section 2 of the mobile home commission
11 act, 1987 PA 96, MCL 125.2302.

12 (T) ~~(p)~~ "Vehicle support stand" means equipment used to
13 support a stationary vehicle consisting of an inflated tire and
14 wheel that is attached to another wheel.

15 Sec. 16902. (1) ~~A person shall not discard a tire on any~~
16 ~~property that is not in compliance with sections 16903 and~~
17 ~~16904.~~ A PERSON SHALL DELIVER A SCRAP TIRE ONLY TO A COLLECTION
18 SITE REGISTERED UNDER SECTION 16904, A DISPOSAL AREA LICENSED
19 UNDER PART 115, AN END-USER, A SCRAP TIRE PROCESSOR, A TIRE
20 RETAILER, OR A SCRAP TIRE RECYCLER, THAT IS IN COMPLIANCE WITH
21 THIS PART.

22 (2) ~~A person shall not dispose of a scrap tire in any~~
23 ~~manner other than a manner authorized by this part or by part 55~~
24 ~~or part 115.~~ A PERSON WHO BY CONTRACT, AGREEMENT, OR OTHERWISE
25 ARRANGES FOR THE REMOVAL OF SCRAP TIRES SHALL DO SO WITH A SOLID
26 WASTE HAULER OR A SCRAP TIRE HAULER WHO IS REGISTERED PURSUANT TO
27 SECTION 16905(1) AND WHO BY CONTRACT, AGREEMENT, OR OTHERWISE IS

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1 OBLIGATED TO DELIVER THE SCRAP TIRES TO THE DESTINATION AS
2 IDENTIFIED IN SECTION 16905(3)(C).

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

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

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

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

14 (D) PROHIBIT A SOLID WASTE HAULER AS DEFINED IN PART 115
15 FROM TRANSPORTING SOLID WASTE TO A DISPOSAL AREA LICENSED UNDER
16 PART 115.

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

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

22 (b) Except as provided in subdivision ~~-(f)-~~ (E), the tires
23 shall be accumulated in piles no greater than 15 feet in height
24 with horizontal dimensions no greater than 200 by 40 feet.

25 (c) Except as provided in subdivision ~~-(f)-~~ (E), the tires
26 shall not be within 20 feet of the property line or within 60
27 feet of a building or structure.

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

4 ~~(i) The tires shall be covered by plastic sheets or other~~
5 ~~impermeable barriers to prevent the accumulation of~~
6 ~~precipitation.~~

7 ~~(ii) The tires shall be chemically treated to eliminate mos-~~
8 ~~quito breeding.~~

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

12 (D) ~~(e)~~ Except as provided in subdivision ~~(f)~~ (E), there
13 shall be a minimum separation of 30 feet between tire piles.

14 ~~However, a collection site that was in operation on the effec-~~
15 ~~tive date of the 1997 amendments to this subdivision has 2 years~~
16 ~~after this date to comply with this subdivision. During this~~
17 ~~2-year period, there shall be a minimum of 20 feet between tire~~
18 ~~piles. A collection site that has not, within 6 months after the~~
19 ~~effective date of the 1997 amendments to this subdivision, made~~
20 ~~significant progress toward compliance with the 30-foot separa-~~
21 ~~tion distance provided in this subdivision shall not receive~~
22 ~~scrap tires until the collection site complies with the 30-foot~~
23 ~~separation distance. The department may grant an exemption to~~
24 ~~the 30-foot separation distance provided in this subdivision for~~
25 ~~a specified period of time if the owner or operator demonstrates~~
26 ~~to the department's satisfaction that expansion of the collection~~
27 ~~site is not possible due to the unavailability of additional~~

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1 ~~space and that the owner or operator has made a good faith effort~~
2 ~~to find markets for the excess scrap tires that would have to be~~
3 ~~removed in order to comply with the 30-foot separation distance.~~

4 The open space between tire piles shall at all times be free of
5 rubbish, equipment, and other materials.

6 (E) ~~(f)~~ Tire piles shall be accessible to fire fighting
7 equipment. If the requirement of this subdivision is met, the
8 local fire department that serves the jurisdiction in which the
9 collection site is located may approve a variance from the
10 requirements of subdivisions (b), (c), and ~~(e)~~ (D). Such an
11 approval, if granted, shall be in writing.

12 (F) ~~(g)~~ Tires, including shredded tires, shall be isolated
13 from other stored materials that may create hazardous products if
14 there is a fire, including, but not limited to, lead acid batte-
15 ries, fuel tanks, solvent barrels, and pesticide containers.

16 (G) ~~(h)~~ The collection site shall be subject to an annual
17 inspection and additional inspections at any reasonable time by
18 the local fire department that serves the jurisdiction in which
19 the collection site is located.

20 (H) ~~(i)~~ All persons employed to work at the collection
21 site shall be trained in emergency response operations. The
22 owner or operator of the collection site shall maintain training
23 records and shall make these records available to the local fire
24 department that serves the jurisdiction in which the collection
25 site is located.

26 (I) ~~(j)~~ ~~The~~ EXCEPT AS PROVIDED IN SECTION 16903B, THE
27 person who owns a collection site shall maintain a performance

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1 bond in favor of the department. The amount of the bond shall be
2 not less than the sum of \$25,000.00 per quarter acre, or fraction
3 thereof, of outdoor tire storage area, and notwithstanding the
4 limitation provided in subsection (1), \$2.00 per square foot of
5 tire storage area in a building. ~~and \$750.00 for each vehicle~~
6 ~~used as a tire storage area.~~ However, for collection sites with
7 fewer than 2,500 tires, the bond shall not exceed \$2,500.00. A
8 BOND IS NOT REQUIRED UNDER THIS SUBDIVISION FOR A QUALIFYING TIRE
9 CHIP STORAGE AREA. A person who elects to use a certificate of
10 deposit as bond shall receive any accrued interest on that cer-
11 tificate of deposit upon release of the bond by the department.
12 A person who elects to post cash as bond shall accrue interest on
13 that bond at the annual rate of 6%, to be accrued quarterly,
14 except that the interest rate payable to an applicant shall not
15 exceed the rate of interest accrued on the state common cash fund
16 for the quarter in which an accrual is determined. Interest
17 shall be paid to the applicant upon release of the bond by the
18 department. Any interest greater than 6% shall be deposited into
19 the fund. The department may utilize a bond required under this
20 part for removing scrap tires from a collection site, ~~for bring-~~
21 ~~ing the collection site into compliance with this part,~~ for
22 other costs of cleanup at the collection site, and for costs of
23 fire suppression and costs associated with responding to a fire
24 or an emergency at a collection site, in case of an emergency at
25 the collection site, insolvency of the collection site owner, or
26 if the owner or operator of the collection site fails to comply
27 with the requirements of this section and does not cause the

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1 removal of the tires at the direction of ~~the department or~~ a
2 court of competent jurisdiction. AS USED IN THIS SUBDIVISION,
3 "QUALIFYING TIRE CHIP STORAGE AREA" MEANS 1 OR MORE LOCATIONS
4 WITHIN A COLLECTION SITE WHERE TIRE CHIPS ARE STORED IF ALL OF
5 THE FOLLOWING CONDITIONS ARE MET:

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

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

10 (iii) NOT LESS THAN 75% OF THE SCRAP TIRES, BY WEIGHT OR
11 VOLUME, THAT ARE STORED AT THE COLLECTION SITE EACH CALENDAR YEAR
12 ARE REMOVED FROM THE COLLECTION SITE TO AN APPROVED MARKET DURING
13 THAT YEAR, AND THE COLLECTION SITE OWNER OR OPERATOR CERTIFIES
14 COMPLIANCE WITH THIS SUBPARAGRAPH ON A FORM APPROVED BY THE
15 DEPARTMENT.

16 (iv) THE AREAS OF THE SCRAP TIRE COLLECTION SITE THAT ARE
17 USED FOR STORAGE OF THE TIRE CHIPS ARE NOT LARGER THAN A TOTAL OF
18 1 ACRE AND THOSE AREAS ARE INDICATED ON A SURVEY BY A REGISTERED
19 PROFESSIONAL ENGINEER SUBMITTED TO THE DEPARTMENT AS PART OF THE
20 COLLECTION SITE REGISTRATION.

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

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

26 (b) The TIRE STORAGE area ~~in which the tires are~~
27 ~~accumulated~~ shall be completely enclosed with a fence that is at

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1 least 6 feet tall with lockable gates and that is designed to
2 prevent easy access.

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

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

9 (e) The approach road to the tire storage area and on-site
10 access roads to the tire storage area shall be of all-weather
11 construction and maintained in good condition and free of debris
12 and equipment so that it is passable at all times for fire
13 fighting equipment vehicles.

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

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

20 (h) Scrap tires shall not be accumulated in excess of 10,000
21 cubic yards of scrap tires per acre.

22 (3) A person who owns or operates a collection site where
23 100,000 or more scrap tires have been accumulated that are not
24 stored in a building shall comply with all of the requirements of
25 subsections (1) and (2) and that person shall operate as a scrap
26 tire processor.

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1 SEC. 16903B. (1) SUBJECT TO SUBSECTIONS (2) AND (3), THE
2 OWNER OF A COLLECTION SITE THAT PROCESSES TIRES WHO HAS BEEN IN
3 COMPLIANCE WITH THE SITE REQUIREMENTS FOR AT LEAST 1 YEAR IS
4 EXEMPT FROM THE REQUIREMENT TO OBTAIN A PERFORMANCE BOND UNDER
5 SECTION 16903(1)(I).

6 (2) THE EXEMPTION PROVIDED FOR IN SUBSECTION (1) APPLIES TO
7 TIRE STORAGE AREAS AT THE COLLECTION SITE CONTAINING NOT MORE
8 THAN THE SUM OF THE HIGHEST NUMBER OF SCRAP TIRES ACCUMULATED AT
9 THE COLLECTION SITE DURING THE PREVIOUS 1-YEAR PERIOD PLUS 10% OF
10 THE AMOUNT OF THE SCRAP TIRES THAT WERE REMOVED TO AN END-USER
11 FROM THE COLLECTION SITE DURING THE PREVIOUS 1-YEAR PERIOD.

12 (3) IF THE DEPARTMENT DETERMINES THAT THE OWNER OF A COLLEC-
13 TION SITE IS NOT IN COMPLIANCE WITH THE SITE REQUIREMENTS, THE
14 DEPARTMENT SHALL DELIVER TO THE OWNER OF THE COLLECTION SITE A
15 NOTICE OF NONCOMPLIANCE. IF WITHIN 60 DAYS AFTER RECEIPT OF THAT
16 NOTICE THE OWNER DOES NOT BRING THE COLLECTION SITE INTO COMPLI-
17 ANCE WITH THE SITE REQUIREMENTS, THE OWNER SHALL COMPLY WITH SEC-
18 TION 16903(1)(I). ONCE AN OWNER IS REQUIRED TO OBTAIN A PER-
19 FORMANCE BOND IN COMPLIANCE WITH SECTION 16903(1)(I), THE PER-
20 FORMANCE BOND SHALL BE MAINTAINED UNLESS THE OWNER BRINGS THE
21 COLLECTION SITE INTO COMPLIANCE WITH THE SITE REQUIREMENTS AND
22 MAINTAINS COMPLIANCE WITH THE SITE REQUIREMENTS FOR A 1-YEAR
23 PERIOD.

24 (4) AS USED IN THIS SECTION, "SITE REQUIREMENTS" MEANS THE
25 REQUIREMENTS OF SECTION 16903(1)(A), (B), (C), (D), (E), AND (F).

26 SEC. 16903C. (1) THE OWNER OR OPERATOR OF A COLLECTION SITE
27 SHALL ENSURE THAT TIRES AT A COLLECTION SITE ARE MAINTAINED IN A

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1 MANNER THAT LIMITS THE POTENTIAL OF MOSQUITO BREEDING BY
2 COMPLYING WITH 1 OR MORE OF THE FOLLOWING:

3 (A) THE TIRES SHALL BE COVERED BY PLASTIC SHEETS OR OTHER
4 IMPERMEABLE BARRIERS TO PREVENT THE ACCUMULATION OF
5 PRECIPITATION.

6 (B) THE TIRES SHALL BE CHEMICALLY TREATED TO ELIMINATE MOS-
7 QUITO BREEDING.

8 (C) THE TIRES SHALL BE BALED, SHREDDED, OR CHIPPED INTO
9 PIECES NO LARGER THAN 4 INCHES BY 6 INCHES AND STORED IN PILES
10 THAT ALLOW COMPLETE WATER DRAINAGE.

11 (2) A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR
12 THE PAYMENT OF A CIVIL FINE OF NOT MORE THAN \$400.00.

13 (3) A DEFAULT IN THE PAYMENT OF A CIVIL FINE OR COSTS
14 ORDERED UNDER THIS SECTION OR AN INSTALLMENT OF THE FINE OR COSTS
15 MAY BE REMEDIED BY ANY MEANS AUTHORIZED UNDER THE REVISED JUDICA-
16 TURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

17 Sec. 16904a. (1) ~~An~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
18 AN end-user is exempt from this part for scrap tires stored on
19 the site of the end-user if not less than 75% of the scrap tires,
20 by weight or volume, that are stored on site each calendar year
21 are recycled or used for resource recovery during that year, and
22 the end-user annually certifies his or her compliance with this
23 section on a form approved by the department.

24 ~~(2) As used in this section:~~

25 ~~(a) "Crumb rubber" means rubber material derived from tires~~
26 ~~that is less than 1/8 inch by 1/8 inch in size and is free of all~~
27 ~~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 (2) ALL END-USERS SHALL COMPLY WITH THE REQUIREMENTS OF SEC-
10 TION 16906.

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

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

23 (3) A scrap tire hauler shall maintain a record of each load
24 of scrap tires he or she transports on forms approved by the
25 department. These records shall be maintained for a period of
26 ~~5~~ 3 years and shall be made available, upon request, to the

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1 department or to a peace officer at reasonable hours. These
2 records shall contain at least the following information:

3 (a) The name, address, telephone number, authorized signa-
4 ture, and registration number of the scrap tire hauler.

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

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

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

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

18 (5) The original record as required by subsection (3) shall
19 be in the possession of the scrap tire hauler during the actual
20 transportation of the scrap tires. A copy of the record provided
21 for in subsection (3) shall be provided to the person who con-
22 tracts for the removal of scrap tires at the time of removal of
23 the tires from the originating ~~site~~ LOCATION. A copy shall
24 also be provided to the registered scrap tire collection site,
25 ~~or licensed~~ THE landfill, END-USER, SCRAP TIRE PROCESSOR, TIRE
26 RETAILER, OR SCRAP TIRE RECYCLER to which the scrap tires are
27 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 FROM A SCRAP
2 TIRE HAULER BY CONTRACT, AGREEMENT, OR OTHERWISE. THESE RECORDS
3 SHALL BE MAINTAINED FOR A PERIOD OF 3 YEARS AND SHALL BE MADE
4 AVAILABLE UPON REQUEST TO THE DEPARTMENT OR A PEACE OFFICER AT
5 REASONABLE HOURS. THESE RECORDS SHALL CONTAIN ALL OF THE INFOR-
6 MATION REQUIRED OF A SCRAP TIRE HAULER IN SECTION 16905(3).

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

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

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

25 (a) ~~Not more than 50% of the money in the fund, annually,~~
26 ~~for~~ FOR administrative costs of the department associated with
27 this part including the implementation and enforcement of this

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1 part. ~~—, or~~ HOWEVER, MONEY SHALL NOT BE EXPENDED UNDER THIS
2 SUBDIVISION for the employment of ~~not~~ more than THE FOLLOWING:

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

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

7 (iii) FOR STATE FISCAL YEAR 2004 AND EACH SUBSEQUENT STATE
8 FISCAL YEAR, 11 FULL-TIME EQUATED POSITIONS.

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

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

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

26 (A) NOT MORE THAN \$500,000.00 EACH YEAR FOR REIMBURSEMENT
27 GRANTS TO USERS OF SCRAP TIRE PROCESSED MATERIAL TO SUPPORT THE

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

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

21 (4) APPLICATIONS FOR GRANTS UNDER SUBSECTION (3) SHALL BE
22 SUBMITTED ON A FORM APPROVED BY THE DEPARTMENT AND CONTAINING THE
23 INFORMATION REQUIRED BY THE DEPARTMENT. FOR GRANTS UNDER SUBSEC-
24 TION (3)(A), THE DEPARTMENT SHALL PUBLISH CRITERIA UPON WHICH THE
25 GRANTS WILL BE ISSUED AND SHALL MAKE THAT INFORMATION AVAILABLE
26 TO GRANT APPLICANTS.

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

(6) ~~-(3)-~~ The department shall annually report to the ~~legislature~~ STANDING COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES WITH JURISDICTION OVER SUBJECT MATTER PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT on the utilization of revenues of the fund.

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

(2) A PERSON WHO VIOLATES THIS PART WHEN 50 OR MORE TIRES ARE INVOLVED IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS OR A FINE OF NOT LESS THAN \$500.00 OR MORE THAN \$10,000.00, OR BOTH, FOR EACH VIOLATION.

(3) A PERSON CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF THIS PART IS GUILTY OF A MISDEMEANOR PUNISHABLE BY

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1 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR A FINE OF NOT LESS THAN
2 \$1,000.00 OR MORE THAN \$25,000.00, OR BOTH, FOR EACH VIOLATION.

3 (4) ~~-(2)-~~ In addition to ~~-, or as an alternative to, the~~
4 ~~penalties provided under subsection (1)-~~ ANY OTHER PENALTY PRO-
5 VIDED FOR IN THIS SECTION, the court may order a person who vio-
6 lates this part to perform not more than 100 hours of community
7 service.

8 (5) ~~-(3)- Each~~ FOR ANY VIOLATION OF THIS PART, EACH day that
9 a violation continues may constitute a separate violation.

10 (6) ~~-(4)- A law enforcement officer or a conservation~~
11 PEACE officer may issue an appearance ticket AS DESCRIBED AND
12 AUTHORIZED BY SECTIONS 9C TO 9G OF CHAPTER IV OF THE CODE OF
13 CRIMINAL PROCEDURE, 1927 PA 175, MCL 764.9C TO 764.9G, to a
14 person who is in violation of this part.

15 (7) THIS SECTION DOES NOT APPLY TO A VIOLATION OF SECTION
16 16903C.

17 (8) THE PENALTIES PROVIDED FOR IN THIS SECTION SHALL NOT BE
18 APPLIED AGAINST A PERSON IN VIOLATION OF SECTION 16903(1)(A),
19 (B), (C), (D), (F), OR (I) IF THE PERSON IS IN COMPLIANCE WITH
20 THESE PROVISIONS WITHIN 60 DAYS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SUBSECTION AND THE PERSON MAIN-
22 TAINS COMPLIANCE WITH THOSE PROVISIONS. THIS SUBSECTION DOES NOT
23 APPLY TO A PERSON WHO, PRIOR TO THE EFFECTIVE DATE OF THE AMENDA-
24 TORY ACT THAT ADDED THIS SUBSECTION, WAS CONVICTED UNDER THIS
25 SECTION.

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

4 Enacting section 2. This amendatory act does not take
5 effect unless Senate Bill No. 1324 of the 91st Legislature is
6 enacted into law.