

SENATE BILL No. 1420

September 12, 2006, Introduced by Senators SCHAUER, McMANUS, BIRKHOLZ, JELINEK, BROWN, KUIPERS, CHERRY, GOSCHKA, ALLEN, SCOTT, OLSHOVE, BARCIA, SWITALSKI, BASHAM, CLARK-COLEMAN and BRATER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 16903 (MCL 324.16903), as amended by 2002 PA
496.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 **(A) SCRAP TIRES SHALL BE STORED IN THE TIRE STORAGE AREA**
6 **IDENTIFIED ON THE SCRAP TIRE COLLECTION SITE REGISTRATION**
7 **APPLICATION MAP AND APPROVED BY THE DEPARTMENT.**

1 (B) ~~—(a)—~~ Only **SCRAP** tires shall be accumulated in ~~—a—~~ **THE**
2 tire storage area.

3 (C) ~~—(b)—~~ ~~Except as provided in~~ **SUBJECT TO** subdivision ~~—(e)—~~
4 (F), the **SCRAP** tires shall be accumulated in piles no greater than
5 15 feet in height with horizontal dimensions no greater than 200 by
6 40 feet.

7 (D) ~~—(c)—~~ ~~Except as provided in~~ **SUBJECT TO** subdivision ~~—(e)—~~
8 (F), the **SCRAP** tires shall not be within 20 feet of the property
9 line or within 60 feet of a building or structure.

10 (E) ~~—(d)—~~ ~~Except as provided in~~ **SUBJECT TO** subdivision ~~—(e)—~~
11 (F), there shall be a minimum separation of 30 feet between **SCRAP**
12 tire piles. The open space between ~~—tire—~~ **THE** piles shall at all
13 times be free of rubbish, equipment, and other materials.

14 (F) ~~—(e)—~~ ~~Tire~~ **SCRAP TIRE** piles shall be accessible to fire
15 fighting equipment. If the requirement of this subdivision is met,
16 the local fire department that serves the jurisdiction in which the
17 collection site is located may ~~—approve—~~ **GRANT** a variance from the
18 requirements of subdivisions ~~—(b)—, —(c)—, and —(d)—~~ (C), (D), AND (E).
19 ~~Such an approval, if granted,~~ **A VARIANCE UNDER THIS SUBSECTION**
20 shall be in writing.

21 (G) ~~—(f)—~~ ~~Tires, including shredded~~ **SCRAP** tires ~~—,~~ shall be
22 isolated from other stored materials that may create hazardous
23 products if there is a fire, including, but not limited to, lead
24 acid batteries, fuel tanks, solvent barrels, and pesticide
25 containers.

26 (H) **EXCEPT FOR SCRAP TIRES THAT ARE A COMMODITY USED TO CREATE**
27 **A STORAGE PAD FOR, OR A ROADWAY FOR ACCESS TO, OTHER SCRAP TIRES**

1 THAT ARE ALSO A COMMODITY, SCRAP TIRES SHALL NOT BE PLACED IN THE
2 OPEN SPACES BETWEEN TIRE PILES OR USED TO CONSTRUCT ON-SITE ROADS.

3 (I) ~~—(g)— The collection site shall be subject to an annual~~
4 ~~inspection and additional inspections at any reasonable time by~~
5 OWNER OR OPERATOR OF THE COLLECTION SITE SHALL ALLOW the local fire
6 department that serves the jurisdiction in which the collection
7 site is located TO INSPECT THE COLLECTION SITE AT ANY REASONABLE
8 TIME.

9 (J) ~~—(h)—~~ 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 and
12 shall make these records available to the local fire department
13 that serves the jurisdiction in which the collection site is
14 located.

15 ~~—— (i) Except as provided in section 16903b, the person who owns~~
16 ~~a collection site shall maintain a performance bond in favor of the~~
17 ~~department. The amount of the bond shall be not less than the sum~~
18 ~~of \$25,000.00 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. However, for collection sites with fewer than 2,500~~
22 ~~tires, the bond shall not exceed \$2,500.00. A bond is not required~~
23 ~~under this subdivision for a qualifying tire chip storage area. A~~
24 ~~person who elects to use a certificate of deposit as bond shall~~
25 ~~receive any accrued interest on that certificate of deposit upon~~
26 ~~release of the bond by the department. A person who elects to post~~
27 ~~cash as bond shall accrue interest on that bond at the annual rate~~

~~of 6%, to be accrued quarterly, except that the interest rate payable to an applicant shall not exceed the rate of interest accrued on the state common cash fund for the quarter in which an accrual is determined. Interest shall be paid to the applicant upon release of the bond by the department. Any interest greater than 6% shall be deposited into the fund. The department may utilize a bond required under this part for removing scrap tires from a collection site, for other costs of cleanup at the collection site, and for costs of fire suppression and costs associated with responding to a fire or an emergency at a collection site, in case of an emergency at the collection site, insolvency of the collection site owner, or if the owner or operator of the collection site fails to comply with the requirements of this section and does not cause the removal of the tires at the direction of a court of competent jurisdiction. As used in this subdivision, "qualifying tire chip storage area" means 1 or more locations within a collection site where tire chips are stored if all of the following conditions are met:~~

~~—— (i) The tire chips are marketable and no larger than 2 inches by 2 inches in size.~~

~~—— (ii) The tire chips are stored in accordance with the requirements of section 16903.~~

~~—— (iii) Not less than 75% of the scrap tires, by weight or volume, that are stored at the collection site each calendar year are removed from the collection site to an approved market during that year, and the collection site owner or operator certifies compliance with this subparagraph on a form approved by the~~

1 ~~department.~~

2 ~~—— (iv) The areas of the scrap tire collection site that are used~~
3 ~~for storage of the tire chips are not larger than a total of 1 acre~~
4 ~~and those areas are indicated on a survey by a registered~~
5 ~~professional engineer submitted to the department as part of the~~
6 ~~collection site registration.~~

7 (2) A person who owns or operates a collection site where at
8 least 2,500 but less than 100,000 scrap tires ~~have been~~ **ARE**
9 accumulated ~~that are not stored in a building~~ **OUTDOORS** shall
10 comply with all of the following:

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

12 (b) The tire storage area shall be completely enclosed with a
13 fence that is at least 6 feet tall with lockable gates and that is
14 designed to prevent easy access.

15 (c) An earthen berm not less than 5 feet in height shall
16 completely enclose the tire storage area except to allow for
17 necessary ingress and egress from roadways and buildings.

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

20 (e) The approach road to the tire storage area and on-site
21 access roads to the tire storage area shall be of all-weather
22 construction and maintained in good condition and free of debris
23 and equipment so that it is passable at all times for fire fighting
24 ~~equipment~~ **AND OTHER EMERGENCY** vehicles. **IF THE LOCAL FIRE**
25 **DEPARTMENT FOR THE JURISDICTION WHERE THE COLLECTION SITE IS**
26 **LOCATED SUBMITS TO THE DEPARTMENT A WRITTEN DETERMINATION THAT THE**
27 **ON-SITE ACCESS ROADS DO NOT ENSURE THAT THE SITE IS ACCESSIBLE TO**

1 EMERGENCY VEHICLES AT ALL TIMES DURING THE YEAR, THE DEPARTMENT OF
2 ENVIRONMENTAL QUALITY SHALL CONSIDER THE ON-SITE ACCESS ROADS TO BE
3 IN VIOLATION OF THIS REQUIREMENT.

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

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

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

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

17 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (5) AND SECTION
18 16903B, A PERSON WHO OWNS A COLLECTION SITE SHALL MAINTAIN A BOND
19 IN FAVOR OF THE DEPARTMENT. THE AMOUNT OF THE BOND SHALL BE NOT
20 LESS THAN THE SUM OF \$25,000.00 PER QUARTER ACRE, OR FRACTION
21 THEREOF, OF OUTDOOR TIRE STORAGE AREA, AND \$2.00 PER SQUARE FOOT OF
22 TIRE STORAGE AREA IN A BUILDING. HOWEVER, FOR COLLECTION SITES WITH
23 FEWER THAN 2,500 TIRES, THE BOND SHALL NOT EXCEED \$2,500.00. A
24 PERSON WHO ELECTS TO USE A CERTIFICATE OF DEPOSIT AS BOND SHALL
25 RECEIVE ANY ACCRUED INTEREST ON THAT CERTIFICATE OF DEPOSIT UPON
26 RELEASE OF THE BOND BY THE DEPARTMENT. A PERSON WHO ELECTS TO POST
27 CASH AS BOND SHALL ACCRUE INTEREST ON THAT BOND AT THE ANNUAL RATE

1 OF 6%, TO BE ACCRUED QUARTERLY, EXCEPT THAT THE INTEREST RATE
2 PAYABLE TO AN APPLICANT SHALL NOT EXCEED THE RATE OF INTEREST
3 ACCRUED ON THE STATE COMMON CASH FUND FOR THE QUARTER IN WHICH AN
4 ACCRUAL IS DETERMINED. INTEREST SHALL BE PAID TO THE APPLICANT UPON
5 RELEASE OF THE BOND BY THE DEPARTMENT. ANY INTEREST GREATER THAN 6%
6 SHALL BE DEPOSITED INTO THE FUND. THE DEPARTMENT MAY UTILIZE A BOND
7 REQUIRED UNDER THIS SUBSECTION FOR REMOVING SCRAP TIRES FROM A
8 COLLECTION SITE, FOR OTHER COSTS OF CLEANUP AT THE COLLECTION SITE,
9 AND FOR COSTS OF FIRE SUPPRESSION AND COSTS ASSOCIATED WITH
10 RESPONDING TO A FIRE OR AN EMERGENCY AT A COLLECTION SITE, IF THERE
11 IS AN EMERGENCY AT THE COLLECTION SITE, IF THE COLLECTION SITE
12 OWNER BECOMES INSOLVENT, OR IF THE OWNER OR OPERATOR OF THE
13 COLLECTION SITE FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS
14 SECTION AND DOES NOT CAUSE THE REMOVAL OF THE TIRES AT THE
15 DIRECTION OF A COURT OF COMPETENT JURISDICTION.

16 (5) A BOND IS NOT REQUIRED UNDER SUBSECTION (4) FOR A
17 COMMODITY STORAGE AREA THAT MEETS ALL OF THE FOLLOWING
18 REQUIREMENTS:

19 (A) THE COMMODITY IS STORED IN ACCORDANCE WITH THE
20 REQUIREMENTS OF SUBSECTION (1).

21 (B) NOT LESS THAN 75% OF THE COMMODITY, BY WEIGHT OR VOLUME,
22 THAT IS STORED AT THE COLLECTION SITE EACH CALENDAR YEAR IS REMOVED
23 FROM THE COLLECTION SITE TO A MARKET DURING THAT YEAR, AND THE
24 COLLECTION SITE OWNER OR OPERATOR CERTIFIES COMPLIANCE WITH THIS
25 SUBPARAGRAPH ON A FORM APPROVED BY THE DEPARTMENT.

26 (C) THE AREAS OF THE COLLECTION SITE THAT ARE USED FOR STORAGE
27 OF THE COMMODITY ARE NOT LARGER THAN A TOTAL OF 1 ACRE AND THOSE

1 AREAS ARE INDICATED ON A SURVEY BY A REGISTERED PROFESSIONAL
2 ENGINEER SUBMITTED TO THE DEPARTMENT AS PART OF THE COLLECTION SITE
3 REGISTRATION.

4 Enacting section 1. This amendatory act does not take effect
5 unless all of the following bills of the 93rd Legislature are
6 enacted into law:

7 (a) Senate Bill No. 1423.

8
9 (b) House Bill No. 6477.

10
11 (c) Senate Bill No. 1424.

12
13 (d) Senate Bill No. 1418.

14
15 (e) Senate Bill No. 1419.

16
17 (f) House Bill No. 6474.

18
19 (g) Senate Bill No. 1422.

20
21 (h) Senate Bill No. 1421.

22
23 (i) House Bill No. 6476.

24
25 (j) House Bill No. 6475.