

# SENATE BILL No. 941

May 15, 2014, Introduced by Senators KOWALL and CASPERSON and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 16901, 16902, 16903, 16903b, 16903c, 16904,  
16905, 16906, 16908, 16909, 16909a, and 16911 (MCL 324.16901,  
324.16902, 324.16903, 324.16903b, 324.16903c, 324.16904, 324.16905,  
324.16906, 324.16908, 324.16909, 324.16909a, and 324.16911),  
sections 16901 and 16909 as amended by 2006 PA 520, section 16902  
as amended by 2006 PA 521, section 16903 as amended by 2006 PA 522,  
section 16903b as amended by 2006 PA 523, section 16903c as added  
by 2002 PA 496, sections 16904 and 16905 as amended by 2006 PA 527,  
section 16906 as amended by 2006 PA 529, section 16908 as amended  
by 2006 PA 524, section 16909a as added by 2006 PA 530, and section  
16911 as added by 2006 PA 525, and by adding sections 16904b,  
16908c, and 16912.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 16901. (1) 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 responsible in  
4       whole or in part for the accumulation of the scrap tires. For the  
5       purposes of this subdivision, an owner who purchased or willingly  
6       took possession of an existing scrap tire collection site shall be  
7       considered by the department to be responsible in whole or in part  
8       for the accumulation of the scrap tires.

9       (b) "Automotive recycler" means that term as defined in  
10      section 2a of the Michigan vehicle code, 1949 PA 300, MCL 257.2a.

11      (c) "Bond" means a performance bond from a surety company  
12      authorized to transact business in this state, a certificate of  
13      deposit, a cash bond, or an irrevocable letter of credit, in favor  
14      of the department.

15      (d) "Collection site" means, **SUBJECT TO SUBDIVISION (E)**, a  
16      site ~~, other than a disposal area licensed under part 115, a~~  
17      ~~racecourse, or a feed storage location,~~ consisting of a parcel or  
18      adjacent parcels of real property where any of the following are  
19      accumulated:

20      (i) 500 or more scrap tires. This subparagraph does not apply  
21      if that property is owned or leased by and associated with the  
22      operations of a retailer or automotive recycler or a commercial  
23      contractor as described in subparagraph (iv).

24      (ii) 1,500 or more scrap tires if that property is owned or  
25      leased by and associated with the operations of a retailer ~~. This~~  
26      ~~subparagraph does not apply if the site is owned or leased by and~~

1 ~~associated with the operations of~~ **THAT IS NOT ALSO** an automotive  
2 recycler.

3 (iii) 2,500 or more scrap tires if that property is owned or  
4 leased by and associated with the operations of an automotive  
5 recycler.

6 (iv) More than 150 cubic yards of tire chips if that property  
7 is owned or leased by and associated with the operations of a  
8 commercial contractor that is authorized to use the tire chips as  
9 an aggregate replacement in a manner approved by a designation of  
10 inertness for scrap tires or is otherwise authorized for such use  
11 by the department under part 115.

12 **(E) "COLLECTION SITE" DOES NOT INCLUDE A DISPOSAL AREA**  
13 **LICENSED UNDER PART 115, A COMMUNITY CLEANUP SITE, A RACECOURSE, OR**  
14 **A FEED STORAGE LOCATION.**

15 **(F)** ~~(e)~~—"Commodity" means crumb rubber, tire chips, a ring or  
16 slab cut from a tire for use as a weight, or a product die-cut or  
17 punched from a tire, or any other product that, as determined by  
18 the department based on the product's production cost and value, is  
19 not likely to result in an accumulation, at the site of production  
20 or use, that poses a threat to public health or the environment. A  
21 product is not a commodity unless it meets published national  
22 standards or specifications that the department determines are  
23 relevant to accomplishing the purposes of this part.

24 **(G)** ~~(f)~~—"Commodity storage area" means 1 or more locations  
25 within a collection site where a commodity is stored.

26 **(H) "COMMUNITY CLEANUP SITE" MEANS A SITE OWNED BY A LOCAL**  
27 **UNIT OF GOVERNMENT OR NONPROFIT ORGANIZATION THAT HAS RECEIVED A**

1 SCRAP TIRE CLEANUP GRANT UNDER SECTION 16908(2)(C) AND USES THIS  
2 SITE FOR THE PURPOSE OF COLLECTING SCRAP TIRES FROM RESIDENTS AS  
3 PART OF A COMMUNITY CLEANUP DAY OR RESIDENT DROP OFF.

4 (I) ~~(g)~~ "Crumb rubber" means rubber material derived from  
5 tires that is less than 1/8 inch by 1/8 inch in size and is free of  
6 steel and fiber.

7 (J) ~~(h)~~ "Department" means the department of environmental  
8 quality.

9 (K) ~~(i)~~ "End-user" means any of the following:

10 (i) A person who possesses a permit to burn tires under part  
11 55.

12 (ii) The owner or operator of a landfill that is authorized  
13 under the landfill's operating license to use scrap tires.

14 (iii) A person who uses a commodity to make a product that is  
15 sold in the market.

16 (iv) A person who is authorized by this part to accumulate  
17 scrap tires, who acquires scrap tires, and who converts scrap tires  
18 into a product that is sold in the market or reused in a manner  
19 authorized by this part.

20 (L) ~~(j)~~ "Farm" means that term as defined in section 2 of the  
21 Michigan right to farm act, 1981 PA 93, MCL 286.472.

22 (M) ~~(k)~~ "Farm operation" means that term as defined in section  
23 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

24 (N) ~~(l)~~ "Feed storage location" means a location on ~~1 or more~~  
25 ~~parcels of adjacent~~ **A PARCEL OR ADJACENT PARCELS OF** real property  
26 containing a farm operation where not more than 3,000 scrap tires  
27 are used to secure stored feed.

1       (O) ~~(m)~~ "Fund" means the scrap tire regulatory fund created in  
2 section 16908.

3       (P) ~~(n)~~ "Landfill" means a landfill as defined in section  
4 11504 that is licensed under part 115.

5       (Q) "LAW ENFORCEMENT OFFICER" MEANS ANY LAW ENFORCEMENT  
6 OFFICER WHO IS TRAINED AND CERTIFIED PURSUANT TO THE COMMISSION ON  
7 LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616,  
8 OR AN OFFICER APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF STATE  
9 POLICE PURSUANT TO SECTION 6D OF 1935 PA 59, MCL 28.6D.

10       (R) ~~(o)~~ "Outdoor" or "outdoors" means in a place other than a  
11 building or covered vehicle.

12       (S) ~~(p)~~ "Portable shredding operation" means a person who  
13 operates scrap tire shredding equipment ~~, which~~ **THAT** produces a  
14 commodity or tire shreds ~~, if the shredding equipment~~ **AND THAT** can  
15 be moved from site to site.

16       (T) ~~(q)~~ "Racecourse" means a commercially operated track for  
17 go-carts, ~~vehicles,~~ off-road recreational vehicles, ~~or~~ motorcycles,  
18 **OR OTHER VEHICLES** that uses ~~not more than 3,000~~ scrap tires for  
19 bumpers along the track for safety purposes **AND THAT MEETS 1 OR**  
20 **MORE OF THE FOLLOWING REQUIREMENTS:**

21       (i) **USES NOT MORE THAN 3,000 SCRAP TIRES FOR BUMPERS.**

22       (ii) **BETWEEN RACES, STORES THE SCRAP TIRES AT A COLLECTION SITE**  
23 **BONDED UNDER SECTION 16903 AND REGISTERED UNDER SECTION 16904.**

24       (U) ~~(r)~~ "Retailer" means a person who sells or offers for sale  
25 new, retreaded, or remanufactured tires to consumers in this state.

26       (V) ~~(s)~~ "Retreader" means a person who retreads, recases, or  
27 recaps tire casings for reuse.

(W) ~~(t)~~—"Scrap tire" means a tire that is no longer being used for its original intended purpose including, but not limited to, a used tire, a reusable tire casing, or portions of a tire. Scrap tire does not include a vehicle support stand.

(X) ~~(u)~~—"Scrap tire hauler" means a person who transports more than ~~7~~10 scrap tires at once in a vehicle on a public road or street. Scrap tire hauler does not include any of the following:

(i) A person, **OTHER THAN A COMMERCIAL BUSINESS**, who ~~is~~ transporting his or her ~~TRANSPORTS THAT PERSON'S~~ own tires to a location authorized in section 16902(1).

(ii) A member of a nonprofit service organization who is participating in a community service project and is transporting scrap tires to a location authorized in section 16902(1).

(iii) The owner of a farm who is transporting only scrap tires that originated from his or her farm operation, to a location authorized in section 16902(1), or that are intended for use in a feed storage location.

(iv) A solid waste hauler that is transporting solid waste to a disposal area licensed under part 115.

(v) A person who is transporting only a commodity.

(vi) A retreader **WHO IS TRANSPORTING SCRAP TIRES FOR THE PURPOSE OF RETREADING, RECASING, OR RECAPPING AND WHO HAS THE DOCUMENTATION REQUIRED IN SECTION 16906(5)**.

(Y) ~~(v)~~—"Scrap tire processor" means either of the following:

(i) A person who is authorized by this part to accumulate scrap tires and is engaged in the business of buying or otherwise acquiring scrap tires and reducing their volume by shredding or

1 otherwise facilitating recycling or resource recovery techniques  
2 for scrap tires.

3 (ii) A portable shredding operation.

4 (Z) ~~(w)~~ "Solid waste hauler" means a solid waste hauler as  
5 defined in part 115 who transports less than 25% by weight or  
6 volume of scrap tires along with other solid waste in any truckload  
7 to a disposal area licensed under part 115.

8 (AA) "STORAGE REQUIREMENTS" MEANS THE REQUIREMENTS OF SECTION  
9 16903(1) AND, IF APPLICABLE, (2).

10 (BB) ~~(x)~~ "Tire" means a continuous solid or pneumatic rubber  
11 covering encircling the wheel of a tractor or other farm machinery  
12 or of a vehicle.

13 (CC) ~~(y)~~ "Tire chip" means a portion of a tire that is any of  
14 the following:

15 (i) Not more than 2 inches by 2 inches in size and meets  
16 requirements for size, metal content, and cleanliness as specified  
17 in an executed contract for delivery of the material by the scrap  
18 tire processor.

19 (ii) Not more than 3/8 inch by 3/8 inch in size and  
20 sufficiently free from steel to be used in the construction and  
21 modification of sports surfaces such as golf course turf, athletic  
22 field turf, athletic tracks, hiking surfaces, livestock show arena  
23 surfaces, and playgrounds.

24 (iii) To be used in a drain field approved under a district or  
25 county sanitary code.

26 (iv) To be used as ground cover or mulch, if, in aggregate, 95%  
27 of the material is equal to or less than 3/4 inch in size in any

1 dimension and the material contains less than 1% by weight or  
2 volume of steel and fiber.

3 (v) Approved by the department for use at a landfill as daily  
4 cover or a leachate collection system protective layer or for  
5 access road construction within a lined cell.

6 (DD) ~~(z)~~ "Tire shred" means a portion of a tire that is not a  
7 commodity.

8 (EE) ~~(aa)~~ "Tire storage area" means a location within a  
9 collection site where tires are accumulated.

10 (FF) ~~(bb)~~ "Vehicle" means a device in, upon, or by which a  
11 person or property is or may be transported or drawn upon a  
12 highway. Vehicle does not include a device that is exclusively  
13 moved by human power or used exclusively upon stationary rails or  
14 tracks or a mobile home as defined in section 2 of the mobile home  
15 commission act, 1987 PA 96, MCL 125.2302.

16 (GG) ~~(cc)~~ "Vehicle support stand" means equipment used to  
17 support a stationary vehicle consisting of an inflated tire and  
18 wheel that is attached to another wheel.

19 (2) A reference in this part to a number of scrap tires means  
20 either of the following, or an equivalent combination thereof:

21 (a) That number of whole tires or reusable tire casings.

22 (b) A quantity of a commodity or tire shreds equivalent in  
23 weight to that number of whole tires.

24 Sec. 16902. (1) A person shall deliver a scrap tire only to,  
25 **AND ONLY WITH THE CONSENT OF THE OWNER OR OPERATOR OF,** 1 of the  
26 following that is in compliance with this part:

27 (a) A collection site registered under section 16904.



(b) A location that has legally accumulated scrap tires below the regulatory threshold for qualifying as a collection site as specified in section 16901(d).

(c) A disposal area licensed under part 115.

(d) An end-user.

(e) A scrap tire processor.

(f) A ~~tire~~-retailer.

(2) A person shall not by contract, agreement, or otherwise arrange for the removal of scrap tires except with 1 of the following:

(a) A scrap tire hauler ~~who~~**THAT** is registered pursuant to section ~~16905(1) and who~~**16905 AND THAT** by contract, agreement, or otherwise is obligated to deliver the scrap tires to the destination as identified under section 16905(3)(c).

(b) ~~A-IF THE SCRAP TIRES ARE A COMMODITY,~~ A person hauling only a commodity.

(c) ~~A-IF THE SCRAP TIRES ARE TIRE CASINGS,~~ A retreader hauling only tire casings.

(d) A solid waste hauler.

(3) Subsection (2) does not do any of the following:

(a) Prohibit a person from transporting his or her scrap tires to a site authorized by subsection (1).

(b) Prohibit a member of a nonprofit service organization who is participating in a community service project from transporting scrap tires to a site authorized by subsection (1).

(c) Prohibit the owner of a farm from transporting scrap tires that originated from his or her farm operation to a ~~location~~**SITE**

1 authorized by subsection (1).

2 (d) Prohibit a solid waste hauler from transporting solid  
3 waste to a disposal area licensed under part 115.

4 (4) THE DRIVER OF A VEHICLE USED TO TRANSPORT SCRAP TIRES IS  
5 PRESUMED TO BE RESPONSIBLE FOR ANY SCRAP TIRES TRANSPORTED,  
6 DISCARDED, OR DISPOSED OF FROM THE VEHICLE IN VIOLATION OF THIS  
7 SECTION.

8 (5) IN A PROCEEDING FOR A VIOLATION OF THIS SECTION COMMITTED  
9 USING A VEHICLE, IT IS PRESUMED THAT THE REGISTERED OWNER OF THE  
10 VEHICLE AT THE TIME OF THE VIOLATION OR, IF THE REGISTERED OWNER IS  
11 NOT AN INDIVIDUAL, THE REGISTERED OWNER'S AGENT WAS THE DRIVER OF  
12 THE VEHICLE AT THE TIME OF THE VIOLATION. HOWEVER, IF THE VEHICLE  
13 WAS LEASED AT THE TIME OF THE VIOLATION, IT IS PRESUMED THAT THE  
14 LESSEE OR, IF THE LESSEE IS NOT AN INDIVIDUAL, THE LESSEE'S AGENT  
15 WAS THE DRIVER OF THE VEHICLE AT THE TIME OF THE VIOLATION.

16 Sec. 16903. (1) A person who owns or operates a collection  
17 site where ~~less~~ FEWER than 2,500 scrap tires are accumulated  
18 outdoors shall comply with all of the following:

19 (a) Scrap tires shall be stored in the tire storage area  
20 identified on the scrap tire collection site registration  
21 application map and approved by the department.

22 (b) Only scrap tires shall be accumulated in the tire storage  
23 area.

24 (c) Subject to subdivision (f), the scrap tires shall be  
25 accumulated in piles no greater than 15 feet in height with  
26 horizontal dimensions no greater than 200 by 40 feet.

27 (d) Subject to subdivision (f), the scrap tires shall not be

1 within 20 feet of the property line or within 60 feet of a building  
2 or structure.

3 (e) Subject to subdivision (f), there shall be a minimum  
4 separation of 30 feet between scrap tire piles. The open space  
5 between the piles shall at all times be free of rubbish, equipment,  
6 and other materials.

7 (f) Scrap tire piles shall be accessible to fire fighting  
8 equipment. If the requirement of this subdivision is met, the local  
9 fire department that serves the jurisdiction in which the  
10 collection site is located may grant a variance from the  
11 requirements of ~~subdivisions~~ **SUBDIVISION** (c), (d), ~~and~~ **OR** (e). A  
12 variance under this subsection shall be in writing.

13 (g) Scrap tires shall be isolated from other stored materials  
14 that may create hazardous products if there is a fire, including,  
15 but not limited to, lead acid batteries, fuel tanks, solvent  
16 barrels, and pesticide containers.

17 (h) Except for scrap tires that are a commodity used to create  
18 a storage pad for, or a roadway for access to, other scrap tires  
19 that are also a commodity, scrap tires shall not be placed in the  
20 open spaces between tire piles or used to construct on-site roads.

21 (i) The owner or operator of the collection site shall allow  
22 the local fire department that serves the jurisdiction in which the  
23 collection site is located to inspect the collection site at any  
24 reasonable time.

25 (j) All persons employed to work at the collection site shall  
26 be trained in emergency response operations. The owner or operator  
27 of the collection site shall maintain training records and shall

1 make these records available to the local fire department that  
2 serves the jurisdiction in which the collection site is located.

3 (2) A person who owns or operates a collection site where at  
4 least 2,500 but ~~less~~**FEWER** than 100,000 scrap tires are accumulated  
5 outdoors shall comply with all of the following:

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

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

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

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

15 (e) The approach road to the tire storage area and on-site  
16 access roads to the tire storage area shall be of all-weather  
17 construction and maintained in good condition and free of debris  
18 and equipment so that it is passable at all times for fire fighting  
19 and other emergency vehicles. If the local fire department for the  
20 jurisdiction where the collection site is located submits to the  
21 department a written determination that the on-site access roads do  
22 not ensure that the site is accessible to emergency vehicles at all  
23 times during the year, the department of environmental quality  
24 shall consider the on-site access roads to be in violation of this  
25 requirement.

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

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

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

7 (3) A person who owns or operates a collection site where  
8 100,000 or more scrap tires are accumulated outdoors shall comply  
9 with all of the requirements of subsections (1) and (2) and ~~that~~  
10 ~~person~~ shall operate as a scrap tire processor.

11 (4) Except as otherwise provided in **THIS SUBSECTION**,  
12 subsection ~~(5)~~ **(6)**, and section 16903b, a person who owns a  
13 collection site shall maintain a bond in favor of the department.  
14 **IF THE COLLECTION SITE REGISTRATION APPLICATION UNDER SECTION 16904**  
15 **INCLUDES A WRITTEN AGREEMENT BETWEEN THE OWNER AND THE OPERATOR OF**  
16 **THE COLLECTION SITE THAT REQUIRES THE OPERATOR TO MAINTAIN THE BOND**  
17 **AND THE DEPARTMENT APPROVES THAT REQUIREMENT, THEN THE OPERATOR**  
18 **SHALL MAINTAIN THE BOND. THE BOND SHALL BE ON A FORM APPROVED BY**  
19 **THE DEPARTMENT. IF THE OPERATOR IS REQUIRED TO MAINTAIN THE BOND**  
20 **UNDER THIS SUBSECTION BUT FAILS TO DO SO, BOTH THE OWNER AND**  
21 **OPERATOR ARE RESPONSIBLE FOR A VIOLATION OF THIS SUBSECTION.** The  
22 amount of the bond shall be not less than the sum of \$25,000.00 per  
23 quarter acre, or fraction thereof, of outdoor tire storage area,  
24 and \$2.00 per square foot of tire storage area in a building.  
25 However, for collection sites with fewer than 2,500 tires, the bond  
26 shall not exceed \$2,500.00.

27 (5) A person who elects to use a certificate of deposit as **A**

1 bond **UNDER SUBSECTION (4)** shall receive any accrued interest on  
 2 that certificate of deposit upon release of the bond by the  
 3 department. ~~A-IF A person who elects to post cash as A bond, shall~~  
 4 ~~accrue interest~~ **SHALL ACCRUE** on that bond **QUARTERLY** at the annual  
 5 rate of 6%, ~~to be accrued quarterly,~~ except that the interest rate  
 6 payable to an applicant **THE PERSON WHO MAINTAINED THE BOND** shall  
 7 not exceed the rate of interest accrued on the state common cash  
 8 fund for the quarter in which an accrual is determined. Interest  
 9 shall be paid to the applicant **PERSON WHO MAINTAINED THE BOND** upon  
 10 release of the bond by the department. Any interest greater than 6%  
 11 shall be deposited into the fund. ~~The department may utilize a bond~~  
 12 ~~required under this subsection for removing scrap tires from a~~  
 13 ~~collection site, for other costs of cleanup at the collection site,~~  
 14 ~~and for costs of fire suppression and costs associated with~~  
 15 ~~responding to a fire or an emergency at a collection site, if there~~  
 16 ~~is an emergency at the collection site, if the collection site~~  
 17 ~~owner becomes insolvent, or if the owner or operator of the~~  
 18 ~~collection site fails to comply with the requirements of this~~  
 19 ~~section and does not cause the removal of the tires at the~~  
 20 ~~direction of a court of competent jurisdiction.~~

21 **(6) (5)** A bond is not required under subsection (4) for a  
 22 commodity storage area that meets all of the following  
 23 requirements:

24 (a) The commodity is stored in accordance with the  
 25 requirements of subsection (1).

26 (b) Not less than 75% of the commodity, by weight or volume,  
 27 that is stored at the collection site each calendar year is removed

1 from the collection site to a market during that year, and the  
2 collection site owner or operator certifies compliance with this  
3 ~~subparagraph~~ **SUBDIVISION** on a form approved by the department.

4 (c) The areas of the collection site that are used for storage  
5 of the commodity are not larger than a total of 1 acre and those  
6 areas are indicated on a survey by a registered professional  
7 engineer submitted to the department as part of the collection site  
8 registration.

9 (7) **SUBJECT TO SUBSECTION (8), THE DEPARTMENT MAY UTILIZE A**  
10 **BOND REQUIRED UNDER SUBSECTION (4) FOR THE COSTS OF ANY OF THE**  
11 **FOLLOWING:**

12 (A) **REMOVING SCRAP TIRES FROM THE COLLECTION SITE.**

13 (B) **BRINGING THE COLLECTION SITE INTO COMPLIANCE WITH THIS**  
14 **PART.**

15 (C) **CLEANUP AT THE COLLECTION SITE.**

16 (D) **FIRE SUPPRESSION OR OTHER COSTS ASSOCIATED WITH RESPONDING**  
17 **TO A FIRE OR OTHER EMERGENCY AT A COLLECTION SITE, INCLUDING**  
18 **REIMBURSEMENT TO ANY LOCAL UNIT OF GOVERNMENT THAT INCURRED THOSE**  
19 **COSTS.**

20 (8) **THE DEPARTMENT MAY UTILIZE THE BOND UNDER SUBSECTION (4)**  
21 **IF ANY OF THE FOLLOWING APPLY:**

22 (A) **THERE IS AN EMERGENCY AT THE COLLECTION SITE.**

23 (B) **THE COLLECTION SITE OWNER BECOMES INSOLVENT.**

24 (C) **THE OWNER OR OPERATOR OF THE COLLECTION SITE FAILS TO**  
25 **COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND DOES NOT CAUSE THE**  
26 **REMOVAL OF THE SCRAP TIRES AT THE DIRECTION OF THE DEPARTMENT OR A**  
27 **COURT OF COMPETENT JURISDICTION.**

1       Sec. 16903b. (1) Subject to subsection (2), the owner **AND**  
2 **OPERATOR** of a collection site ~~is~~**ARE** exempt from the requirement to  
3 obtain a bond under section 16903(4) if all of the following  
4 requirements are met:

5       (a) The owner **OR OPERATOR** of the collection site is a scrap  
6 tire processor.

7       (b) Not less than 75% of the scrap tires, by weight or volume,  
8 that are stored at the collection site each calendar year are  
9 recycled or used for resource recovery during that year.

10       (c) The collection site has been in compliance with ~~the site~~  
11 **STORAGE** requirements for at least 1 year.

12       (d) The owner **OR OPERATOR** annually certifies compliance with  
13 the requirements of this subsection on a form approved by the  
14 department.

15       (2) If the department determines that the owner **OR OPERATOR** of  
16 a collection site is not in compliance with ~~the site requirements~~  
17 ~~or the certification requirements of~~ subsection (1), the department  
18 shall deliver to ~~the owner of the collection site~~ **OWNER OR**  
19 **OPERATOR, OR BOTH,** a notice of noncompliance. If, within 60 days  
20 after receipt of that notice, the owner **OR OPERATOR WHO RECEIVED**  
21 **THE NOTICE** does not bring the collection site into compliance with  
22 ~~the site requirements or the certification requirements of~~  
23 subsection (1), ~~respectively,~~ the owner **OR OPERATOR** shall comply  
24 with section 16903(4). Once an owner **OR OPERATOR** is required to  
25 obtain a bond under section 16903(4), the bond shall be maintained  
26 unless the owner **OR OPERATOR** brings the collection site into  
27 compliance with ~~the site requirements, maintains compliance with~~



1 ~~the site requirements for a 1 year period, and complies with the~~  
2 ~~certification requirements of subsection (1).~~

3 ~~—— (3) As used in this section, "site requirements" means all the~~  
4 ~~requirements of section 16903(1) and, if applicable, 16903(2).~~

5 (3) IF A SCRAP TIRE PROCESSOR HAS MAINTAINED ITS COLLECTION  
6 SITE IN COMPLIANCE WITH SUBSECTION (1) FOR 5 YEARS, THE SCRAP TIRE  
7 PROCESSOR MAY MOVE ITS OPERATION TO A NEW COLLECTION SITE LOCATION  
8 AND REMAINS EXEMPT FROM THE REQUIREMENT TO MAINTAIN A BOND UNDER  
9 SECTION 16903(4) AS LONG AS THE SCRAP TIRE PROCESSOR CONTINUES TO  
10 COMPLY WITH SUBSECTION (1).

11 Sec. 16903c. (1) The owner or operator of a collection site  
12 shall ensure that tires at a collection site are maintained in a  
13 manner that limits the potential of mosquito breeding by complying  
14 with 1 or more of the following:

15 (a) The tires shall be covered by plastic sheets or other  
16 impermeable barriers to prevent the accumulation of precipitation.

17 (b) The tires shall be chemically treated to eliminate  
18 mosquito breeding.

19 (c) The tires shall be baled, shredded, or chipped into pieces  
20 no larger than 4 inches by 6 inches and stored in piles that allow  
21 complete water drainage.

22 (2) A person who violates this section is responsible for ~~the~~  
23 ~~payment of~~ **A STATE CIVIL INFRACTION AND MAY BE ORDERED TO PAY** a  
24 civil fine of not more than \$400.00, **PLUS COSTS.**

25 (3) A default in the payment of a civil fine or costs ordered  
26 under this section or an installment of the fine or costs may be  
27 remedied by any means authorized under the revised judicature act

1 of 1961, 1961 PA 236, MCL 600.101 to ~~600.9948-600.9947~~.

2 Sec. 16904. (1) By January 31 of each year, ~~a person who owns~~  
3 **THE OWNER OR OPERATOR OF** a collection site or portable shredding  
4 operation ~~, or both,~~ shall submit an application for registration  
5 to the department. **IF A PERSON WHO OWNS OR OPERATES A COLLECTION**  
6 **SITE IS ALSO A PORTABLE SHREDDING OPERATION, THE PERSON MAY SUBMIT**  
7 **A SINGLE APPLICATION COVERING BOTH.** The application shall be on a  
8 form provided by the department and shall contain the information  
9 required by the department. The application for registration of a  
10 collection site shall include ~~documentation~~ **ALL OF THE FOLLOWING:**

11 (A) **DOCUMENTATION** that the collection site is bonded for the  
12 registration period ~~in accordance with the requirements of~~ **AS**  
13 **REQUIRED BY** section 16903(4), if applicable.

14 (B) **THE SIGNATURE OF THE APPLICANT AND, IF THE APPLICANT IS**  
15 **NOT THE OWNER OF THE REAL PROPERTY, THE SIGNATURE OF THE OWNER.**

16 (2) The department shall not register a collection site unless  
17 the **COLLECTION** site is in compliance with the storage requirements.  
18 ~~of section 16903.~~

19 (3) A \$200.00 registration fee shall accompany each annual  
20 application for registration under this section. The department  
21 shall deposit money collected under this subsection into the state  
22 treasury to be credited to the fund.

23 **SEC. 16904B. SCRAP TIRES THAT ARE MANAGED IN COMPLIANCE WITH**  
24 **THIS PART ARE EXEMPT FROM REGULATION AS SOLID WASTE UNDER PART 115.**  
25 **SCRAP TIRES THAT ARE NOT MANAGED IN COMPLIANCE WITH THIS PART ARE**  
26 **REGULATED AS SOLID WASTE UNDER PART 115 IN ADDITION TO BEING**  
27 **REGULATED UNDER THIS PART.**

1       Sec. 16905. (1) By January 31 of each year, a scrap tire  
2   hauler shall submit an application for registration to the  
3   department. The application shall be on a form provided by the  
4   department and shall contain the information required by the  
5   department. **THE APPLICATION SHALL BE ACCOMPANIED BY A \$200.00**  
6   **REGISTRATION FEE. MONEY COLLECTED UNDER THIS SUBSECTION SHALL BE**  
7   **DEPOSITED IN THE FUND. THE APPLICATION SHALL INCLUDE DOCUMENTATION**  
8   **THAT THE SCRAP TIRE HAULER IS BONDED FOR THE REGISTRATION PERIOD AS**  
9   **REQUIRED BY SUBSECTION (6).**

10       (2) A scrap tire hauler when transporting scrap tires shall  
11   have in his or her possession a copy of the current unexpired scrap  
12   tire hauler registration and shall present it upon demand of a  
13   ~~peace~~**THE DEPARTMENT OR A LAW ENFORCEMENT** officer. The scrap tire  
14   hauler registration number issued by the department shall be  
15   visibly displayed on a vehicle transporting scrap tires. **THE NUMBER**  
16   **SHALL BE IN BLOCK STYLE NUMERALS AT LEAST 2 INCHES HIGH LOCATED ON**  
17   **THE DRIVER'S SIDE DOOR OF THE VEHICLE. THE COLOR OF THE NUMERALS**  
18   **SHALL CONTRAST WITH THE DOOR COLOR.**

19       (3) A scrap tire hauler shall maintain a record of each load  
20   or consolidated load of scrap tires he or she transports on forms  
21   approved by the department. The record shall be maintained for a  
22   ~~period of 3 years~~ and shall be made available, upon request, to the  
23   department or to a ~~peace~~**LAW ENFORCEMENT** officer at reasonable  
24   hours. The record shall contain all of the following information:

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

27       (b) The name, address, telephone number, and authorized

1 signature of the person who contracts for the removal of the scrap  
2 tires.

3 (c) The name, address, telephone number, and, upon delivery,  
4 the authorized signature, **AS REQUIRED UNDER SECTION 16906(3)**, of  
5 the owner or operator of the location described in section 16902(1)  
6 where the tires are to be delivered.

7 (d) The date of removal and the number of scrap tires being  
8 transported.

9 (4) A scrap tire hauler shall not dispose of scrap tires at a  
10 location other than the location identified under subsection  
11 (3)(c).

12 (5) The original record as required by subsection (3) shall be  
13 in the possession of the scrap tire hauler during the actual  
14 transportation of the scrap tires. A copy of the record provided  
15 for in subsection (3) shall be provided to the person who contracts  
16 for the removal of scrap tires at the time of removal of the tires  
17 from the originating location. A copy shall also be provided to the  
18 **OWNER OR OPERATOR OF THE** location described in section 16902(1) to  
19 which the scrap tires are delivered at the time of delivery.

20 (6) **A SCRAP TIRE HAULER SHALL MAINTAIN A BOND IN FAVOR OF THE**  
21 **DEPARTMENT, UNLESS THE SCRAP TIRE HAULER IS OWNED AND OPERATED BY A**  
22 **SCRAP TIRE PROCESSOR IN COMPLIANCE WITH THIS PART. THE BOND SHALL**  
23 **BE ON A FORM APPROVED BY THE DEPARTMENT. THE AMOUNT OF THE BOND**  
24 **SHALL BE \$10,000.00.**

25 (7) **A PERSON WHO ELECTS TO USE A CERTIFICATE OF DEPOSIT AS A**  
26 **BOND UNDER SUBSECTION (6) SHALL RECEIVE ANY ACCRUED INTEREST ON**  
27 **THAT CERTIFICATE OF DEPOSIT. IF CASH IS POSTED AS A BOND, INTEREST**

1 SHALL ACCRUE ON THE BOND QUARTERLY, AT THE ANNUAL RATE OF 6%,  
2 EXCEPT THAT THE INTEREST RATE PAYABLE TO THE SCRAP TIRE HAULER  
3 SHALL NOT EXCEED THE RATE OF INTEREST ACCRUED ON THE STATE COMMON  
4 CASH FUND FOR THE QUARTER IN WHICH AN ACCRUAL IS DETERMINED.  
5 INTEREST SHALL BE PAID TO THE SCRAP TIRE HAULER UPON RELEASE OF THE  
6 BOND BY THE DEPARTMENT. ANY INTEREST GREATER THAN 6% SHALL BE  
7 DEPOSITED INTO THE FUND.

8 (8) SUBJECT TO SUBSECTION (9), THE DEPARTMENT MAY UTILIZE A  
9 BOND REQUIRED UNDER SUBSECTION (6) FOR THE COSTS OF ANY OF THE  
10 FOLLOWING:

11 (A) REMOVING SCRAP TIRES ACCUMULATED BY THE SCRAP TIRE HAULER.

12 (B) REMOVING SCRAP TIRES DEPOSITED AT AN ILLEGAL LOCATION BY  
13 THE SCRAP TIRE HAULER.

14 (C) BRINGING SCRAP TIRES ACCUMULATED OR DEPOSITED BY THE SCRAP  
15 TIRE HAULER INTO COMPLIANCE WITH THIS PART.

16 (D) CLEANUP OF SCRAP TIRES ACCUMULATED OR DEPOSITED BY THE  
17 SCRAP TIRE HAULER.

18 (E) FIRE SUPPRESSION OR OTHER COSTS ASSOCIATED WITH RESPONDING  
19 TO A FIRE OR OTHER EMERGENCY INVOLVING THE SCRAP TIRE HAULER OR AN  
20 ASSOCIATED SITE OF SCRAP TIRE ACCUMULATION, INCLUDING REIMBURSEMENT  
21 TO ANY LOCAL UNIT OF GOVERNMENT THAT INCURRED THOSE COSTS.

22 (9) THE DEPARTMENT MAY UTILIZE THE BOND UNDER SUBSECTION (6)  
23 IF ANY OF THE FOLLOWING APPLY:

24 (A) THERE IS AN EMERGENCY INVOLVING THE SCRAP TIRE HAULER OR  
25 AN ASSOCIATED SITE OF SCRAP TIRE ACCUMULATION.

26 (B) THE SCRAP TIRE HAULER BECOMES INSOLVENT.

27 (C) THE OWNER OR OPERATOR OF THE SCRAP TIRE HAULER FAILS TO

1 COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND DOES NOT CAUSE THE  
2 REMOVAL OF THE TIRES AT THE DIRECTION OF THE DEPARTMENT OR A COURT  
3 OF COMPETENT JURISDICTION.

4 Sec. 16906. (1) A person ~~, other than a property owner~~  
5 ~~removing 7 or fewer scrap tires from his or her property,~~ who by  
6 contract, agreement, or otherwise arranges for the removal of scrap  
7 tires from a property under his or her control, including an end-  
8 user, shall ~~maintain at the site of removal the record~~ **DO ALL OF**  
9 **THE FOLLOWING:**

10 (A) IF A COMPLETE RECORD IS NOT obtained from a ~~THE~~ registered  
11 scrap tire hauler pursuant to section 16905(5) ~~and the record~~  
12 ~~received~~ **OR** from an owner, operator, or authorized agent of a  
13 location pursuant to subsection (3), **PROMPTLY NOTIFY THE DEPARTMENT**  
14 **OF THE MISSING RECORD OR INFORMATION.** ~~A person who by contract,~~  
15 ~~agreement, or otherwise arranges for the removal of scrap tires~~  
16 ~~from a property under his or her control does not have an~~  
17 ~~affirmative duty to obtain these records and is not liable for the~~  
18 ~~failure to receive such records. These records shall be maintained~~

19 (B) **MAINTAIN THE RECORDS DESCRIBED IN SUBDIVISION (A)** at the  
20 site of removal for a ~~period of 3 years.~~ ~~and shall be made~~

21 (C) **MAKE THE RECORDS** available to the department **OR A LAW**  
22 **ENFORCEMENT OFFICER** upon request during reasonable hours.

23 (2) A person ~~, other than a solid waste hauler or a scrap tire~~  
24 ~~hauler,~~ who receives scrap tires, including an end-user, shall  
25 maintain a record of all scrap tires received. ~~from a scrap tire~~  
26 ~~hauler by contract, agreement, or otherwise.~~ The record shall be  
27 maintained for a ~~period of 3 years~~ and shall be made available upon

1 request to the department or a ~~peace~~-**LAW ENFORCEMENT** officer at  
2 reasonable hours. The record shall contain all of the information  
3 required of a scrap tire hauler in section 16905(3).

4 (3) Upon ~~delivery of scrap tires by a scrap tire hauler by~~  
5 ~~contract, agreement, or otherwise to a location described in~~  
6 **ACCEPTANCE OF SCRAP TIRES AT A LOCATION AUTHORIZED BY** section  
7 16902(1), the owner, operator, or authorized agent of that location  
8 shall sign the record, indicating acceptance of the scrap tires,  
9 and provide a copy of the signed record to the person delivering  
10 the scrap tires. ~~and shall within~~ **WITHIN** 30 days, **THE OWNER OR**  
11 **OPERATOR OF THE LOCATION RECEIVING THE SCRAP TIRES SHALL** forward a  
12 copy of the signed record to the person ~~who by contract, agreement,~~  
13 ~~or otherwise arranged for the removal of the scrap tires being~~  
14 ~~delivered.~~ **INDICATED ON THE RECORD AS THE GENERATOR OF THE SCRAP**  
15 **TIRES. THE GENERATOR OF THE SCRAP TIRES SHALL RECONCILE ANY**  
16 **DISCREPANCY IN THE NUMBER OF SCRAP TIRES BETWEEN THIS COPY AND THE**  
17 **RECORD OBTAINED FROM THE REGISTERED SCRAP TIRE HAULER UNDER SECTION**  
18 **16905(5).**

19 (4) A CONSUMER WHO PURCHASES REPLACEMENT TIRES AT A COMMERCIAL  
20 BUSINESS SHALL NOT RETAIN THE TIRES BEING REPLACED UNLESS, UPON  
21 REQUEST OF THE RETAILER, THE CONSUMER SIGNS AN INVOICE, RECEIPT, OR  
22 SCRAP TIRE TRANSPORTATION RECORD ACKNOWLEDGING RETENTION OF THE  
23 SCRAP TIRES.

24 (5) ~~(4)~~-A retreader shall maintain for ~~a period of~~ 3 years,  
25 and make available upon request to the department or a ~~peace~~-**LAW**  
26 **ENFORCEMENT** officer at reasonable hours, all records required to be  
27 carried or maintained with the retreader's tire casings including

1 all of the following:

2 (a) A retread work order that includes the customer's name,  
3 date of transaction, retreader DOT identification number pursuant  
4 to 49 CFR part 574, order number, and details of casing information  
5 for the casing intended for processing. Work orders shall reflect  
6 the number of tires that are being transported and retreaded.

7 (b) A work order sales report that specifies the work process  
8 detail for the customer work order. This report shall be returned  
9 to the customer with the work order number and invoice.

10 (c) An invoice stating the sales transaction of the retread  
11 process that was completed for the customer.

12 Sec. 16908. (1) The scrap tire regulatory fund is created in  
13 the state treasury. The fund shall receive money as provided by law  
14 and any gifts or contributions to the fund. The state treasurer  
15 shall direct the investment of the fund. Interest and earnings of  
16 the fund shall be credited to the fund. **THE DEPARTMENT SHALL BE THE**  
17 **ADMINISTRATOR OF THE FUND FOR AUDITING PURPOSES.** Money in the fund  
18 at the close of the fiscal year shall remain in the fund and shall  
19 not revert to the general fund.

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

22 (a) For administrative costs of the department associated with  
23 this part including the implementation and enforcement of this  
24 part. However, money shall not be expended under this subdivision  
25 for the employment of more than ~~11~~12 full-time equated positions.

26 (b) For the administrative costs of the secretary of state  
27 associated with the collection of the tire disposal surcharge



1 pursuant to section 806 of the Michigan vehicle code, 1949 PA 300,  
2 MCL 257.806.

3 (c) For the cleanup or collection of abandoned scrap tires and  
4 scrap tires at collection sites. The department shall give priority  
5 to funding activities under this subdivision at collection sites in  
6 which the scrap tires were accumulated prior to January 1, 1991 and  
7 to collection sites that pose an imminent threat to public health,  
8 safety, welfare, or the environment. ~~The department shall make~~  
9 ~~every effort to assure that all abandoned scrap tires accumulated~~  
10 ~~at collection sites prior to January 1, 1991 are cleaned up or~~  
11 ~~collected by September 31, 2009.~~ For collection sites that have  
12 accumulated tires after January 1, 1991, a lien, in favor of the  
13 state up to the value of the cleanup grant amount and any increase  
14 in the value of the property as a result of the cleanup of the  
15 property with grant funds, shall be placed on the property that is  
16 affected by the removal of the tires as provided in section 16908b.  
17 Before making a grant under this subdivision, the department shall  
18 consider the extent to which the making of the grant would  
19 contribute to the achievement of a balanced distribution of grants  
20 under this subdivision throughout the state. **IF A GRANT IS AWARDED**  
21 **UNDER THIS SUBDIVISION FOR COLLECTING SCRAP TIRES AT A COMMUNITY**  
22 **CLEANUP SITE, THE TIRES SHALL BE REMOVED FROM THE COMMUNITY CLEANUP**  
23 **SITE BY THE TIME SPECIFIED IN THE GRANT CONTRACT.**

24 ~~—— (3) Money expended under subsection (2) (c) may be expended for~~  
25 ~~either or both of the following:~~

26 ~~—— (a) Not more than \$500,000.00 each year for~~

27 (D) FOR grants to reimburse the cost of purchasing scrap tires

1 to support the development of increased markets for scrap tires.  
2 Only the cost of purchasing scrap tires from scrap tire processors  
3 in this state or other generators of scrap tires in this state is  
4 eligible for reimbursement under this subdivision.

5 (E) ~~(b)~~ For grants of up to 50% of the cost of purchasing  
6 equipment, or research and development, to provide for a new or  
7 increased use for scrap tires.

8 (F) FOR COSTS ASSOCIATED WITH ENFORCEMENT OF THIS PART,  
9 INCLUDING GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES.

10 (3) ~~(4)~~ Applications for grants under subsection ~~(3)~~ (2) shall  
11 be submitted on a form approved by the department and ~~containing~~  
12 **SHALL CONTAIN** the information required by the department. The  
13 department shall publish criteria upon which the grants will be  
14 issued and shall make that information available to grant  
15 applicants.

16 **SEC. 16908C. A PERSON SHALL NOT INTENTIONALLY ENGAGE IN THE**  
17 **OPEN BURNING OF A SCRAP TIRE.**

18 Sec. 16909. (1) A person who violates this part, ~~when~~ **IF** fewer  
19 than 50 scrap tires are involved, is guilty of a misdemeanor  
20 punishable by imprisonment for not more than 90 days or a fine of  
21 not less than \$200.00 or more than \$500.00, or both, for each  
22 violation.

23 (2) A person who violates this part, ~~when~~ **IF** 50 or more scrap  
24 tires are involved, is guilty of a misdemeanor punishable by  
25 imprisonment for not more than 180 days or a fine of not less than  
26 \$500.00 or more than \$10,000.00, or both, for each violation.

27 (3) A person convicted of a second or subsequent violation of

1 this part is guilty of a misdemeanor punishable by imprisonment for  
2 not more than 1 year or a fine of not less than \$1,000.00 or more  
3 than \$25,000.00, or both, for each violation.

4 (4) In addition to any other penalty provided for in this  
5 section, the court may order a person who violates this part to  
6 perform not more than 100 hours of community service.

7 (5) For any violation of this part, each day that a violation  
8 continues constitutes a separate violation.

9 (6) A ~~peace~~**LAW ENFORCEMENT** officer may issue an appearance  
10 ticket as described and authorized by sections 9c to 9g of chapter  
11 IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to  
12 764.9g, to a person who violates this part.

13 (7) This section does not apply to a violation of section  
14 16903c.

15 ~~—— (8) The penalties provided for in this section shall not be~~  
16 ~~applied against a person in violation of section 16903(1)(a), (b),~~  
17 ~~(c), (d), (e), (g), or (j) or 16903(4) before September 1, 2002 if~~  
18 ~~the person is in compliance with these provisions by September 1,~~  
19 ~~2002 and the person maintains compliance with those provisions.~~  
20 ~~This subsection does not apply to a person who, before July 3,~~  
21 ~~2002, was convicted under this section.~~

22 (8) A PERSON WHO KNOWINGLY MAKES OR CAUSES TO BE MADE A FALSE  
23 STATEMENT OR ENTRY IN A REGISTRATION APPLICATION, SCRAP TIRE  
24 TRANSPORTATION RECORD, OR GRANT APPLICATION UNDER THIS PART IS  
25 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 2  
26 YEARS OR A FINE OF NOT LESS THAN \$2,500.00 OR MORE THAN \$10,000.00,  
27 OR BOTH.

1       Sec. 16909a. (1) The department may enter at reasonable hours  
2 a tire retail establishment, vehicle owned or operated by a scrap  
3 tire hauler for the transport of scrap tires, or collection site or  
4 other place where scrap tires are or have been present, and may  
5 inspect the location or other place for the purposes of enforcing  
6 or administering this part. An investigation or inspection under  
7 this part shall comply with the United States constitution and the  
8 state constitution of 1963.

9       (2) IF THE DEPARTMENT OR A LAW ENFORCEMENT OFFICER HAS  
10 PROBABLE CAUSE TO BELIEVE THAT A PERSON IS VIOLATING THIS PART, THE  
11 DEPARTMENT OR A LAW ENFORCEMENT OFFICER MAY SEARCH WITHOUT A  
12 WARRANT A VEHICLE OR OTHER TRANSPORTATION-RELATED EQUIPMENT THAT IS  
13 POSSESSED, USED, OR OPERATED BY THAT PERSON.

14       (3) A VEHICLE, OR OTHER TRANSPORTATION-RELATED EQUIPMENT USED  
15 IN A CRIMINAL VIOLATION OF THIS PART IS SUBJECT TO SEIZURE BY A LAW  
16 ENFORCEMENT OFFICER AND FORFEITURE AS PROVIDED IN CHAPTER 47 OF THE  
17 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.4701 TO  
18 600.4709.

19       (4) THE COURT MAY AWARD COURT COSTS AND OTHER EXPENSES OF  
20 LITIGATION INCLUDING ATTORNEY FEES TO A PARTY WHO SUCCESSFULLY  
21 BRINGS AN ACTION FOR A VIOLATION OF THIS SECTION.

22       Sec. 16911. (1) The department shall annually report to the  
23 standing committees of the senate and house of representatives with  
24 primary responsibility for issues pertaining to natural resources  
25 and the environment on the utilization of revenues of the fund.

26       (2) ~~Not later than 3 years after the effective date of the~~  
27 ~~2006 amendatory act that added this section, IN 2006~~ and every

1 third year thereafter, the department shall prepare a report on the  
2 effectiveness of this part in encouraging the reuse of scrap tires  
3 and ensuring the safe storage of scrap tires. The report shall  
4 include recommendations for such changes to this part, including  
5 any further description of the ~~use~~**USES** of money described in  
6 section ~~16908(2)(e) and (3)~~, **16908(2)(C), (D), AND (E)** as the  
7 department finds necessary and appropriate. The department shall  
8 submit the report to the standing committees of the senate and  
9 house of representatives with primary responsibility for issues  
10 pertaining to natural resources and the environment.

11 (3) The director of the department shall appoint a scrap tire  
12 advisory committee of individuals interested in the management of  
13 scrap tires to advise the department on the implementation of this  
14 part. In addition to such other issues as the department may  
15 request the committee to consider, the committee shall advise the  
16 department on the report required by subsection (2) and the  
17 relevance of a national standard or specification under section  
18 ~~16901(1)(e)~~. **16901(1)(F)**.

19 **SEC. 16912. THE DIRECTOR MAY PROMULGATE RULES TO IMPLEMENT**  
20 **THIS PART.**