



**House  
Legislative  
Analysis  
Section**

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**REGULATE STORAGE OF SCRAP TIRES**

House Bill 4005 as passed by the House  
Second Analysis (5-12-88)

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Sponsor: Rep. Claude A. Trim  
Committee: Conservation & Environment

Mich. State Law Library

**THE APPARENT PROBLEM:**

The disposal of used scrap tires poses serious problems nationwide. Apparently, tire recycling businesses have not been considered attractive investments, so in the past, used tires that were not sold to retreading plants were disposed of in landfills or simply dumped in heaps on vacant land. However, tires present special problems to landfill operators and as landfill space has become more valuable operators have begun to refuse tires or to set prohibitive rates for tires. This has resulted in dealers stock-piling tires with no disposal options and with resulting environmental and public health problems. Piles of scrap tires degrade the landscape, provide breeding grounds for mosquitoes and rodents, and pose the threat of the possibility of fire, with its attendant air and water pollution. Some states have already passed legislation regulating scrap tire storage and disposal, and it is believed that Michigan should also address this issue.

**THE CONTENT OF THE BILL:**

The bill would create the Scrap Tire Regulatory Act to impose certain restrictions on the disposal and accumulation of scrap tires and specify penalties for violating these restrictions. Major provisions of the bill include:

- Prohibiting individuals from discarding scrap tires on property other than their own without prior written permission from the property owner.
- Setting up three levels of scrap tire storage facilities, each with its own storage requirements:

1) A non-retailer who accumulated 500 to 2,500 tires or a retailer who accumulated 1,500 to 2,500 tires at a collection site that were not stored in a building could store only tires in the storage area, in piles not bigger than 15 feet high, 200 feet long and 40 feet wide. The piles would have to be accessible on all sides to fire fighting equipment, with a minimum of 20 feet of clear space between piles. Tires could not be within 20 feet of the property line or within 60 feet of a building or structure and would have to be maintained according to guidelines set forth in the bill in order to limit the potential of mosquito breeding. The person accumulating the tires would have to maintain a surety bond in favor of the state that was sufficient to cover the cost of removing the tires from the collection site in case of an emergency at the site or in case the person accumulating the tires went bankrupt.

2) Someone who accumulated 2,500 to 100,000 tires at a collection site would have to comply with all of the first level requirements, as well as meet additional requirements concerning the fencing in and earth berming of the entire storage area, drainage for the site, approach and access roads, and clearing of weeds and other vegetation. In addition, an emergency procedure plan, which had been reviewed by the local fire department, would have to be prepared and posted at the tire storage facility.

3) Someone who accumulated 100,000 tire or more would have to comply with all of the aforementioned requirements and would have to operate as a scrap tire processor as well.

- Requiring owners of collection sites and persons in the business of transporting scrap tires to register annually with the Department of Natural Resources and pay a \$50 fee which would be deposited in the general fund.
- Setting penalties for violations of the bill's provisions. Violations would be misdemeanors punishable by imprisonment for not more than 90 days, a fine of not more than \$500, or both, with each day a violation continued constituting a separate violation. Penalties would not go into effect until two years after the effective date of the act.
- Requiring the Department of Natural Resources (DNR) to inventory within six months of the effective date of the bill all locations with more than 500 scrap tires. Within a year of the effective date, the department would be required to notify the property owners of the requirements and penalties contained in the bill. (Failure of a property owner with an accumulation of more than 500 scrap tires to receive notice would not relieve him or her of responsibility under the bill.)
- Requiring the DNR to report to the legislature five years after the effective date of the bill. The report would have to include information about the effectiveness of the bill (and any recommended changes), the volume of tires being deposited in landfills, and whether scrap tires should be banned from landfills in the future.

**FISCAL IMPLICATIONS:**

According to the Department of Natural Resources, the bill would cost the state approximately \$100,000. (5-13-88)

**ARGUMENTS:**

**For:**

Disposal of unwanted used tires is an enormous problem. The National Tire Dealers and Retreaders Association estimates that approximately one tire per person is disposed of annually, which means more than 200 million scrap tires per year. At approximately 100 tires per ton, this represents two million tons of scrap rubber wastes per year to be disposed of, and for Michigan, it means over nine million scrap tires are generated each year. A preliminary survey by the Department of Natural Resources (DNR) suggests that there are over five million scrap tires known to be accumulated in illegal piles throughout the state, though the actual number probably is much higher.

In the past, most of the waste tires were disposed of in landfills or simply dumped in heaps on vacant land. However, tires present special problems to landfill operators. They cannot be stored in compact packages and take up a great deal of space, and when not properly

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covered by fill material, they can work upward through a landfill over a period of time to "float" on the surface. As landfill space becomes more scarce and more expensive fewer landfill operators have been willing to accept tires. As a result, existing "management practices" for waste tire in Michigan include the simple accumulation of waste tires in piles by tire dealers, jobbers, retreaders, and vehicle dealers.

Piles of scrap tires provide ideal breeding grounds for disease-carrying mosquitoes and rodents, as well as posing a fire threat, with its attendant air and water pollution problems. Often tires are stored with no separation of tire piles or adequate access for fire fighting equipment, making it difficult to control or prevent tire fires. One notorious scrap tire fire in Virginia burned for over two years and created over 802,000 gallons of melted tire runoff that cost the Environmental Protection Agency over a million dollars to clean up.

As landfill space decreases, the need to find alternative methods of disposal for waste tires has become acute. However, many local governments seem not to be concerned over tire disposal, and the scrap tire waste stream frequently is left out of county solid waste management planning efforts because tire wastes present handling and processing problems which are considerably different from other municipal solid waste. In addition, reprocessing scrap tires for direct re-use of rubber waste materials appears to pose unusual and expensive technical problems, while the recovery of useful substances or energy, or both, from waste tires involves high start-up costs, uncertain tire supplies, and variable markets for end products. All of these problems suggest that the best solution would be increased regulation of existing waste tires and a comprehensive state program for altering the management of scrap tire in Michigan by assisting the research and development of technologies for the resource recovery of scrap tires, thereby also reducing the potential environmental and public health hazards associated with scrap tire accumulations. The bill, coupled with House Bill 4003 which was referred to the House Appropriations Committee, would address the scrap tire issue with a two-pronged attack by imposing certain restrictions on the disposal and accumulation of tires and establishing the Tire Recovery Fund to fund grants which would address the disposal or recovery of scrap tires.

### ***Against:***

The state should provide and control permanent scrap tire disposal sites that are solely dedicated to collecting scrap tires. If the costs of operating a scrap tire disposal site become economically prohibitive, people simply will decide not to enter this type of business. But if people are reluctant to operate scrap tire disposal sites, tire dealers will not have viable disposal options and will be forced to refuse to take old tires from customers. As a result, customers could wind up disposing of tires in a totally unregulated way, which will only make the problem worse, not solve it.

***Response:*** In general, when a consumer buys replacement tires, the tire dealer takes the old tires and sells them, gives them to a "tire jockey," or pays for their removal. The tire jockey sells the retreadable tires to a retreading plant and disposes of the rest, usually in landfills. Since a very low percentage of tires are retreaded (in 1984, the number of tires retreaded was less than 12 percent of the new tires manufactured), a very large number of used tires must be disposed of each year, and, as was indicated, fewer landfill operators are willing to take scrap tires or will do so only at costs that many find

prohibitive. The bill would establish controls for permanent scrap tire disposal sites and regulate disposal of tires discarded by consumers.

### ***Against:***

The bill should be amended to include a provision specifying that local ordinances that were more stringent than the bill would prevail. Local governments are often faced with problems unique to their area and it is not uncommon for them to enact ordinances to address special situations. A provision allowing them to enact an ordinance more strict than the bill's provisions would give governments the flexibility needed to deal with unique problems which may develop as a result of tire storage.

***Response:*** The bill is already very strict; there is no need to allow local units of government to pass more stringent ordinances. It is true that in some instances local ordinances more stringent than state law are allowed to prevail; however, since the bill's provisions are so strict, there is no need for additional regulation at the local level. If local units are allowed to pass ordinances addressing different aspects of tire storage, there will be no uniform state standards and owners of collection sites will become confused with the different regulations.

### ***POSITIONS:***

Bay County Mosquito Control supports the bill. (5-16-88)

The Department of Natural Resources supports the bill. (5-5-88)

The Toxic Substance Control Commission supports the bill. (5-13-88)

The Michigan Tire and Vehicle Service Association (a division of the Michigan Retailers Association) supports the bill. (5-2-88)

The Michigan Merchants Council & Associates supports the bill. (5-13-88)

Tire Shredder Inc. supports the bill. (5-13-88)

Tire Outlet Co. supports the bill. (5-13-88)

Mid-America Tire Equipment Supply Co. supports the bill. (5-16-88)