

HOUSE BILL No. 4242

February 6, 1997, Introduced by Reps. McManus, McBryde, Law, Horton, Gernaat, DeVuyst, Middaugh, Anthony, Bodem, Gire, LaForge, Prusi, Tesanovich, DeHart, Schermesser, Raczkowski, Kilpatrick, Kelly, Mans, Brater and Goschka and referred to the Committee on Conservation, Environment and Recreation.

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

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 accumulated that
3 are not stored in a building or stored in a covered vehicle shall
4 comply with all of the following:

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

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

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

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

7 (i) The tires shall be covered by plastic sheets or other
8 impermeable barriers to prevent the accumulation of
9 precipitation.

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

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

15 (e) Except as provided in subdivision (f), there shall be a
16 minimum separation of ~~20~~ 30 feet between tire piles. The open
17 space between tire piles shall at all times be free of rubbish,
18 equipment, and other materials.

19 (f) Tire piles shall be accessible to fire fighting
20 equipment. If the requirement of this subdivision is met, the
21 local fire department that serves the jurisdiction in which the
22 collection site is located may approve a variance from the
23 requirements of subdivisions (b), (c), and (e). Such an approv-
24 al, if granted, shall be in writing.

25 (G) TIRES, INCLUDING SHREDDED TIRES, SHALL BE ISOLATED FROM
26 OTHER STORED MATERIALS THAT MAY CREATE HAZARDOUS PRODUCTS IF
27 THERE IS A FIRE, INCLUDING, BUT NOT LIMITED TO, LEAD ACID

1 BATTERIES, FUEL TANKS, SOLVENT BARRELS, AND PESTICIDE
2 CONTAINERS.

3 (H) THE COLLECTION SITE SHALL BE SUBJECT TO ANNUAL INSPEC-
4 TION BY THE LOCAL FIRE DEPARTMENT THAT SERVES THE JURISDICTION IN
5 WHICH THE COLLECTION SITE IS LOCATED.

6 (I) ALL PERSONS EMPLOYED TO WORK AT THE COLLECTION SITE
7 SHALL BE TRAINED IN EMERGENCY RESPONSE OPERATIONS. THE OWNER OR
8 OPERATOR OF THE COLLECTION SITE SHALL MAINTAIN TRAINING RECORDS
9 AND SHALL MAKE THESE RECORDS AVAILABLE TO THE LOCAL FIRE DEPART-
10 MENT THAT SERVES THE JURISDICTION IN WHICH THE COLLECTION SITE IS
11 LOCATED.

12 (J) ~~(g)~~ The person who owns a collection site shall main-
13 tain a PERFORMANCE bond in favor of the department in an amount
14 ~~, as determined by the department, sufficient to cover the cost~~
15 ~~of removing the tires from the~~ OF \$10,000.00 PER ACRE OF tire
16 storage area. However, for collection sites with fewer than
17 2,500 tires, the bond shall not exceed \$2,500.00. A person who
18 elects to use a certificate of deposit as bond shall receive any
19 accrued interest on that certificate of deposit upon release of
20 the bond by the department. A person who elects to post cash as
21 bond shall accrue interest on that bond at the annual rate of 6%,
22 to be accrued quarterly, except that the interest rate payable to
23 an applicant shall not exceed the rate of interest accrued on the
24 state common cash fund for the quarter in which an accrual is
25 determined. Interest shall be paid to the applicant upon release
26 of the bond by the department. Any interest greater than 6%
27 shall be deposited into the fund. The department may utilize a

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1 bond required under this part for removing scrap tires from a
2 collection site, FOR OTHER COSTS OF CLEANUP AT THE COLLECTION
3 SITE, AND FOR COSTS ASSOCIATED WITH RESPONDING TO A FIRE OR AN
4 EMERGENCY AT A COLLECTION SITE, in case of an emergency at the
5 collection site, insolvency of the collection site owner, or if
6 the owner or operator of the collection site fails to comply with
7 the requirements of this section and does not cause the removal
8 of the tires at the direction of the department or a court of
9 competent jurisdiction.

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

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

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

18 (c) An earthen berm not less than 5 feet in height shall be
19 positioned outside of the fence in which the tires are enclosed.

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

22 (e) The approach road to the tire storage area and on-site
23 access roads to the tire storage area shall be of all-weather
24 construction and maintained in good condition AND FREE OF DEBRIS
25 AND EQUIPMENT so that it is passable at all times for fire
26 fighting equipment vehicles.

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

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

7 (H) SCRAP TIRES SHALL NOT BE ACCUMULATED IN EXCESS OF 10,000
8 CUBIC YARDS OF SCRAP TIRES PER ACRE.

9 (3) A person who owns or operates a collection site where
10 100,000 or more scrap tires have been accumulated that are not
11 stored in a building shall comply with all of the requirements of
12 subsections (1) and (2) and that person shall operate as a scrap
13 tire processor.

14 SEC. 16903A. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL
15 PREPARE AND IMPLEMENT A STATEWIDE RESPONSE PLAN FOR RESPONDING TO
16 FIRES AT COLLECTION SITES.