

HOUSE BILL No. 5433

December 10, 1997, Introduced by Rep. McManus and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," (MCL 324.101 to 324.90106) by adding sections 17001, 17002, 17003, and 17004.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 PART 170 SCRAP TIRE REIMBURSEMENT GRANTS

2 SEC. 17001. AS USED IN THIS PART:

3 (A) "COLLECTION SITE" HAS THE MEANING SPECIFIED IN SECTION
4 16901.

5 (B) "CRUMB" MEANS TIRE CHIPS NO GREATER THAN 1/4 INCH IN ANY
6 DIMENSION THAT HAVE BEEN PROCESSED TO REMOVE STEEL OR OTHER MATE-
7 RIAL EXISTING IN SCRAP TIRES.

8 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY.

1 (D) "END USER" MEANS THE PERSON WHO UTILIZES THE HEAT
2 CONTENT OR OTHER FORM OF ENERGY FROM THE INCINERATION,
3 COMBUSTION, OR PYROLYSIS OF SCRAP TIRES OR THE LAST PERSON WHO
4 USES THE TIRES, CHIPS, CRUMB, OR SIMILAR MATERIALS TO MAKE A PRO-
5 DUCT WITH ECONOMIC VALUE. IF THE SCRAP TIRE IS PROCESSED BY MORE
6 THAN 1 PERSON IN BECOMING A PRODUCT, THE END USER IS THE LAST
7 PERSON TO USE THE TIRE AS A TIRE, TIRE CHIPS, CRUMB, OR SIMILAR
8 MATERIALS. END USER DOES NOT INCLUDE A PERSON WHO PRODUCES TIRE
9 CHIPS OR SIMILAR MATERIALS AND GIVES OR SELLS THEM TO ANOTHER
10 PERSON TO USE.

11 (E) "FUND" MEANS THE SCRAP TIRE RECOVERY FUND CREATED IN
12 SECTION 17007.

13 (F) "GRANT" OR "SCRAP TIRE REIMBURSEMENT GRANT" MEANS A
14 SCRAP TIRE REIMBURSEMENT GRANT PROVIDED FOR IN THIS PART.

15 (G) "PROCESSOR" MEANS THE PERSON WHO PRODUCES SHREDDED TIRE
16 CHIPS, CRUMB, OR SIMILAR MATERIALS FROM A SCRAP TIRE AND GIVES OR
17 SELLS THEM TO AN END USER. IF THE SCRAP TIRE IS PROCESSED BY
18 MORE THAN 1 PERSON, THE LAST PERSON TO PROCESS THE SCRAP TIRE
19 BEFORE IT IS USED BY AN END USER IS THE PROCESSOR.

20 (H) "PYROLYSIS" MEANS THE SUBJECTION OF ORGANIC COMPOUNDS TO
21 VERY HIGH TEMPERATURES AND THE RESULTING DECOMPOSITION.

22 (I) "SCRAP TIRE" MEANS A TIRE THAT IS NO LONGER BEING USED
23 FOR ITS ORIGINAL INTENDED PURPOSE.

24 (J) "TIRE BUFFINGS" MEANS SMALL PIECES OF A TIRE THAT HAVE
25 BEEN MECHANICALLY REMOVED PRIOR TO RETREADING.

26 SEC. 17002. IN ORDER TO ENHANCE AVAILABLE AND NEW MARKETS
27 FOR THE REUSE OF SCRAP TIRES SO THAT THEIR VALUE IS RECOVERED, AN

1 ECONOMICALLY ATTRACTIVE ALTERNATIVE TO LANDFILLING AND
2 STOCKPILING SHOULD BE IN PLACE. TO CREATE THESE MARKETS, FINAN-
3 CIAL ASSISTANCE IS NECESSARY TO DEVELOP AND OPERATE SCRAP TIRE
4 RECOVERY ACTIVITIES. FINANCIAL ASSISTANCE MAY BE PROVIDED IN THE
5 FORM OF A REIMBURSEMENT GRANT TO END USERS AND PROCESSORS OF
6 SCRAP TIRES OR PROCESSED SCRAP TIRES FOR THE COST OF DEVELOPING
7 OR OPERATING THESE SCRAP TIRE RECOVERY ACTIVITIES. DEVELOPMENT
8 AND OPERATING COSTS ARE THOSE COSTS REQUIRED TO EXPAND EXISTING
9 OR NEW MARKETS DESIGNED TO REDUCE THE NUMBER OR VOLUME OF SCRAP
10 TIRES, TO RECYCLE WASTE OR RECOVER ENERGY FROM SCRAP TIRES, AND
11 TO SUSTAIN THAT MARKET.

12 SEC. 17003. (1) THE DEPARTMENT SHALL ESTABLISH A SCRAP TIRE
13 REIMBURSEMENT GRANTS PROGRAM.

14 (2) AN END USER OR PROCESSOR OF SCRAP TIRES MAY APPLY TO THE
15 DEPARTMENT FOR A SCRAP TIRE REIMBURSEMENT GRANT IF ALL OF THE
16 FOLLOWING CONDITIONS ARE MET:

17 (A) AT LEAST 95% OF THE SCRAP TIRES USED OR PROCESSED WERE
18 GENERATED IN MICHIGAN.

19 (B) THE SCRAP TIRES ARE USED OR PROCESSED FOR THOSE ELIGIBLE
20 USES IDENTIFIED UNDER SECTION 17004.

21 (C) THE APPLICANT HAS RECEIVED ADVANCE CERTIFICATION FROM
22 THE DEPARTMENT UNDER SECTION 17005.

23 (3) TO BE ELIGIBLE FOR A GRANT, AN END USER SHALL MEET ALL
24 OF THE FOLLOWING REQUIREMENTS IN ADDITION TO THE REQUIREMENTS
25 SPECIFIED IN SUBSECTION (2):

26 (A) THE ELIGIBLE USE SHALL BE CONDUCTED AFTER THE EFFECTIVE
27 DATE OF THIS SECTION.

1 (B) THE SCRAP TIRES THAT ARE USED SHALL NOT ORIGINATE FROM
2 COLLECTION SITES WHERE STATE FUNDS ARE USED TO CONTRACT FOR THE
3 CLEANUP.

4 (4) TO BE ELIGIBLE FOR A GRANT, A PROCESSOR SHALL MEET ALL
5 OF THE FOLLOWING REQUIREMENTS IN ADDITION TO THE REQUIREMENTS
6 SPECIFIED IN SUBSECTION (2):

7 (A) THE SCRAP TIRES SHALL BE PROCESSED AFTER THE EFFECTIVE
8 DATE OF THIS SECTION.

9 (B) THE SCRAP TIRES THAT ARE PROCESSED SHALL NOT ORIGINATE
10 FROM COLLECTION SITES WHERE STATE FUNDS ARE USED TO CONTRACT FOR
11 THE CLEANUP.

12 SEC. 17004. (1) USES OF SCRAP TIRES THAT ARE ELIGIBLE FOR A
13 SCRAP TIRE REIMBURSEMENT GRANT INCLUDE ALL OF THE FOLLOWING:

14 (A) ENERGY RECOVERY, INCLUDING COMBUSTION OF WHOLE TIRES,
15 SHREDDED TIRES, OR THE COMBUSTIBLE BY-PRODUCTS OF PYROLYSIS WHICH
16 ARE USED TO PRODUCE ELECTRICITY, STEAM, OR HEAT.

17 (B) PYROLYSIS OF SCRAP TIRES, INCLUDING THE PRODUCTION OF
18 COMBUSTIBLE BY-PRODUCTS OR OTHER SALABLE PRODUCTS.

19 (C) HIGHWAY IMPROVEMENTS, INCLUDING THE USE OF SCRAP TIRE
20 CHIPS OR CRUMB PHYSICALLY BLENDED WITH ANOTHER MATERIAL SUCH AS
21 ASPHALT.

22 (D) RECYCLING OF SCRAP TIRE STRIPS, SHREDS, OR CRUMB TO MAN-
23 UFACTURE A NEW PRODUCT. THE NEW PRODUCT MAY BE PRODUCED BY PHYS-
24 ICAL OR CHEMICAL PROCESSES SUCH AS ANY OF THE FOLLOWING:

25 (i) WEAVING FROM STRIPS OF SCRAP TIRES.

26 (ii) STAMPING OUT PRODUCTS FROM THE TIRE CASING.

1 (iii) PHYSICALLY OR CHEMICALLY BONDING SCRAP TIRE CHIPS OR
2 CRUMB WITH ANOTHER MATERIAL TO FORM A NEW PRODUCT SUCH AS A MAT.

3 (E) OTHER USES OF SCRAP TIRES WHICH THE DEPARTMENT DETER-
4 MINES TO HAVE A MARKET IMPACT AND WHICH DO NOT THREATEN THE ENVI-
5 RONMENT OR PUBLIC HEALTH OR SAFETY.

6 (2) USES OF SCRAP TIRES THAT ARE NOT ELIGIBLE FOR A SCRAP
7 TIRE REIMBURSEMENT GRANT INCLUDE ANY OF THE FOLLOWING:

8 (A) LAND DISPOSAL, INCLUDING USE AS A DAILY COVER AT
9 LANDFILLS.

10 (B) REUSE AS A VEHICLE TIRE.

11 (C) RETREADING.

12 (D) USE OF SCRAP TIRES FOR EROSION CONTROL OR AS A RIPRAP
13 MATERIAL.

14 (E) USE OF TIRE BUFFINGS GENERATED DURING RETREADING
15 OPERATIONS.

16 (F) USE OF WHOLE OR SPLIT TIRES FOR TIRE FENCES, BARRIERS,
17 DOCK AND RACETRACK BUMPERS, ORNAMENTAL PLANTERS, AGRICULTURAL
18 USES SUCH AS RAISED BEDS, PLAYGROUND EQUIPMENT, OR SUCH USES FOR
19 WHICH THE USER INCURS LITTLE OR NO COST AND DOES NOT TAKE PLACE
20 WITHIN A MARKET.

21 (G) OTHER USES OF SCRAP TIRES WHICH IN THE DEPARTMENT'S
22 OPINION MAY THREATEN THE ENVIRONMENT OR PUBLIC HEALTH OR SAFETY.

23 Enacting section 1. This amendatory act does not take
24 effect unless Senate Bill No. _____ or House Bill No. _____
25 (request no. 01795'97 a) of the 89th Legislature is enacted into
26 law.