

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

***** 324.16901.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 2, 2017 *****

324.16901.amended Definitions.

Sec. 16901. (1) As used in this part:

(a) "Abandoned scrap tires" means an accumulation of scrap tires on property where the property owner is not responsible in whole or in part for the accumulation of the scrap tires. For the purposes of this subdivision, an owner who purchased or willingly took possession of an existing scrap tire collection site shall be considered by the department to be responsible in whole or in part for the accumulation of the scrap tires.

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

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

(d) "Collection site" means, subject to subdivision (e), a site consisting of a parcel or adjacent parcels of real property where any of the following are accumulated:

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

(ii) 1,500 or more scrap tires if that property is owned or leased by and associated with the operations of a retailer that is not also an automotive recycler.

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

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

(e) "Collection site" does not include a disposal area licensed under part 115, a community cleanup site, a racecourse, or a feed storage location.

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

(g) "Commodity storage area" means 1 or more locations within a collection site where a commodity is stored.

(h) "Community cleanup site" means a site owned by a local unit of government or nonprofit organization that has received a scrap tire cleanup grant under section 16908(2)(c) and uses this site for the purpose of collecting scrap tires from residents as part of a community cleanup day or resident drop off.

(i) "Crumb rubber" means rubber material derived from tires that is less than 1/8 inch by 1/8 inch in size and is free of steel and fiber.

(j) "Department" means the department of environmental quality.

(k) "End-user" means any of the following:

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

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

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

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

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

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

(n) "Feed storage location" means a location on a parcel or adjacent parcels of real property containing a farm operation where not more than 3,000 scrap tires are used to secure stored feed.

(o) "Fund" means the scrap tire regulatory fund created in section 16908.

- (p) "Landfill" means a landfill as defined in section 11504 that is licensed under part 115.
- (q) "Law enforcement officer" means any law enforcement officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or an officer appointed by the director of the department of state police under section 6d of 1935 PA 59, MCL 28.6d.
- (r) "Outdoor" or "outdoors" means in a place other than a building or covered vehicle.
- (s) "Portable shredding operation" means a person who operates scrap tire shredding equipment that produces a commodity or tire shreds and that can be moved from site to site.
- (t) "Racecourse" means a commercially operated track for go-carts, off-road recreational vehicles, motorcycles, or other vehicles that uses scrap tires as bumpers along the track for safety purposes and that meets 1 or more of the following requirements:
- (i) Uses not more than 3,000 scrap tires for bumpers.
 - (ii) Is operated on a temporary basis and, between races, stores the scrap tires at a collection site bonded under section 16903 and registered under section 16904.
- (u) "Retailer" means a person who sells or offers for sale new, retreaded, or remanufactured tires to consumers in this state.
- (v) "Retreader" means a person who retreads, recases, or recaps tire casings for reuse.
- (w) "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) "Scrap tire hauler" means a person who transports more than 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 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) "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 otherwise facilitating recycling or resource recovery techniques for scrap tires.
 - (ii) A portable shredding operation.
- (z) "Solid waste hauler" means a solid waste hauler as defined in section 11506 who transports less than 25% by weight or volume of scrap tires along with other solid waste in any truckload to a disposal area licensed under part 115.
- (aa) "Storage requirements" means the requirements of section 16903(1) and, if applicable, (2).
- (bb) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a tractor or other farm machinery or of a vehicle.
- (cc) "Tire chip" means a portion of a tire that is any of the following:
- (i) Not more than 2 inches by 2 inches in size and meets requirements for size, metal content, and cleanliness as specified in an executed contract for delivery of the material by the scrap tire processor.
 - (ii) Not more than 3/8 inch by 3/8 inch in size and sufficiently free from steel to be used in the construction and modification of sports surfaces such as golf course turf, athletic field turf, athletic tracks, hiking surfaces, livestock show arena surfaces, and playgrounds.
 - (iii) To be used in a drain field approved under a district or county sanitary code.
 - (iv) To be used as ground cover or mulch, if, in aggregate, 95% of the material is equal to or less than 3/4 inch in size in any dimension and the material contains less than 1% by weight or volume of steel and fiber.
 - (v) Approved by the department for use at a landfill as daily cover or a leachate collection system protective layer or for access road construction within a lined cell.
- (dd) "Tire shred" means a portion of a tire that is not a commodity.
- (ee) "Tire storage area" means a location within a collection site where tires are accumulated.
- (ff) "Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway. Vehicle does not include a device that is exclusively moved by human power or used

exclusively upon stationary rails or tracks or a mobile home as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(gg) "Vehicle support stand" means equipment used to support a stationary vehicle consisting of an inflated tire and wheel that is attached to another wheel.

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

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

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

History: 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 268, Imd. Eff. Jan. 8, 1996;—Am. 1997, Act 17, Imd. Eff. June 11, 1997;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 520, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015;—Am. 2016, Act 294, Eff. Jan. 2, 2017.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

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