

SENATE BILL REPORT

SB 6009

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 8, 1994

Brief Description: Modifying waste tire recycling provisions.

SPONSORS: Senators Fraser and Franklin

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6009 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chairman; Deccio, McCaslin, Moore, Morton and Talmadge.

Staff: Gary Wilburn (786-7453)

Hearing Dates: January 14, 1994; February 2, 1994

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6009 as recommended by Committee on Ecology & Parks be substituted therefor, and the substitute bill do pass.

Signed by Senators Rinehart, Chairman; Quigley, Vice Chairman; Bauer, Bluechel, Hargrove, Hochstatter, Ludwig, Moyer, Niemi, Pelz, Snyder, Spanel, Sutherland, Talmadge, West and Wojahn.

Staff: Cindi Yates (786-7715)

Hearing Dates: February 7, 1994; February 8, 1994

BACKGROUND:

An estimated 3 million waste tires are generated annually in Washington State. About 80 percent of the waste tires are properly processed and disposed of, with the remainder being dumped or stored in violation of applicable tire handling requirements. Improperly managed tire piles pose a serious public health and environmental quality threat, serving as a breeding ground for disease-carrying insects and animals, and noxious weeds. Stored tires may also pose a fire hazard, and tire pile fires produce hazardous emissions as well as oil products that can contaminate soil and water resources.

In 1985 the Legislature prohibited the improper disposal of waste tires and imposed a small assessment upon the gross proceeds of sellers of new replacement tires. Legislation in 1988 required a license for the transportation and storage of waste tires and required licensees to meet the transportation and handling requirements of Department of Ecology rules.

In 1989 the assessment was replaced by a fee upon the sale of new tires of \$1 per tire. Of this amount, ten cents is retained by the tire dealer, two cents is directed to the Department of Revenue for administering the fee collection, and the remainder is used for waste tire enforcement, cleanup and recycling. The tire fee sunsets on October 1, 1994.

About \$4.7 million has been spent from the waste tire account since 1989, with \$3.7 million spent on cleanup of waste tire piles. More than 3 million tires have been removed and disposed of with these funds. The Department of Ecology estimates that four large, unlicensed tire piles remain for cleanup, containing about 8 million tires. The Governor's supplemental operating budget recommends appropriation of the projected remaining fund balance in the tire account, \$2.1 million, for the cleanup of these remaining large piles. Numerous smaller tire piles exist in the state for which there are no accurate data on the total tires contained in them. There are two licensed tire piles, in Klickitat and Lewis counties.

The market for recycling of waste tires remains weak. Waste tires are also used in a variety of construction materials, playground cover, and other products. However, shredded tires from Washington tire piles have recently been used as fill in road construction projects. Certain waste tires are also used for retreading, and tire derived fuel (TDF) is promising as a fuel source for energy production.

SUMMARY:

A reference to tire recycling centers in the Department of Ecology's waste tire duties is deleted. Illegal waste tire disposal may be punishable as a gross misdemeanor, and responsibility for cleanup of tire piles is specifically imposed.

The \$1 per tire fee on sale of new replacement tires is extended beginning December 1, 1994 and ending November 30, 1996. Among other uses, the fee revenues may be used for grants and contracts for cleanup of illegal piles and grants to local governments for demonstration projects for a variety of applications of waste tires.

Tire transporters must obtain an annual license from Ecology and display an identification sticker on the vehicle. The license must submit annual tire management plans to Ecology. The licensing requirements do not apply to transporters operating under the authority of the Washington Utilities and Transportation Commission. Violation of the licensing requirements may be punishable by a civil penalty.

Persons using an unlicensed transporter or unlicensed waste tire site may be fined \$250 for a first offense and \$1,000 for each additional offense. Persons using licensed transporters or site operators must keep documentation the license was checked.

Standards for tire storage are adopted. Private residential storage may not exceed ten tires. Retail outlet storage may not exceed 2000 cubic feet. Retreaders, wholesalers and used tire retailers may store a 90-day inventory of casings, resalable used tires, and scrap.

The act shall be submitted at the next general election for adoption or rejection, in accordance with the referendum provisions of the state Constitution.

EFFECT OF PROPOSED SUBSTITUTE:

It is clarified that a person violating the waste tire management laws is responsible for tire pile cleanup, as well as the land owner. The state tire account may be used to clean up piles that pose a threat to public health or safety. Persons using an unlicensed waste tire transporter or storage site operator are to receive a written warning on the first offense. The tire fee extension commences January 1, 1995, rather than December 1, 1994.

Appropriation: none

Revenue: yes

Fiscal Note: available

TESTIMONY FOR (Ecology & Parks):

Will provide needed resources to conduct cleanups at remaining large tire piles in the state, and strengthen the regulatory program to ensure new piles are not created.

TESTIMONY AGAINST (Ecology & Parks):

Extension of the tire fee for one year rather than two should be sufficient to clean up the remaining piles.

TESTIFIED (Ecology & Parks): PRO: Joy St. Germain, Dept. of Ecology; Mike Vinatieri, Chris Cooper, Lewis Co. Health Dept.; Bill Vogler; WSAC; Joan Frey, Klickitat Co. Commissioner; Richard Graham, Lewis Co. Commissioner; Bob Berg, Lewis Co. Public Works Director; Warren Dahlin, Lewis Co. Commissioner; Carl Hemenway, Lewis Co. Commissioner; Ty Ross, WA Tire Shredders; Jan Gee, WA Retail Assn.; Richard Nordness; CON: Mark Hope, Waste Recovery

TESTIMONY FOR (Ways & Means):

There is great concern about the large tire piles still remaining in the state. Without this funding, it will be difficult to complete the clean up of these tire piles. In addition, the bill contains regulatory provisions which will help to ensure new piles are not created.

TESTIMONY AGAINST (Ways & Means): None

TESTIFIED (Ways & Means): Chris Cooper, Lewis Co. Env. Health
Dept. Human Services; Bill Vogler, WA State Assn. of Counties