

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2823 Session of
1990

INTRODUCED BY MIHALICH, GEORGE, LEVDANSKY, FEE, DOMBROWSKI,
PETRARCA, TANGRETTI, TRICH, FREEMAN, RITTER, BILLOW,
COLAFELLA, LESCOVITZ, MRKONIC, MICHLOVIC, WOZNIAK, KUKOVICH
AND TIGUE, JULY 1, 1990

REFERRED TO COMMITTEE ON CONSERVATION, JULY 1, 1990

AN ACT

1 Providing for the disposal of waste tires; conferring powers and
2 duties on the Department of Environmental Resources and the
3 Department of Revenue; imposing a tax; providing for
4 penalties; establishing the Waste Tire Monofill Fund; and
5 making appropriations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Waste Tire
10 Disposal Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) Approximately 12,000,000 waste tires are accumulated
14 each year in this Commonwealth. This amounts to one tire per
15 individual. This figure has increased at a rate comparable to
16 the rate of population growth.

17 (2) Less than 5% of the total volume of waste tires is
18 recycled each year. Recycling of waste tires does not seem to

1 be alleviating the problem generated by the large amount of
2 waste tires. In addition, in the foreseeable future, it is
3 not likely that all waste tires will be recycled.

4 (3) Landfill space is very valuable in this
5 Commonwealth. It seems senseless to consume such valuable
6 landfill space with waste tires.

7 (4) Waste tires should be stored in a monofill. In this
8 manner, they will not be treated in the same way as other
9 solid wastes, but will be valued as a natural resource that
10 should be disposed of in a manner which makes future
11 retrieval economically feasible.

12 (5) Under normal underground storage or in exposed
13 conditions, tires do not absorb nor emit any chemicals.
14 Therefore, tires should be monofilled in the most economical
15 manner, without the need for liners or other safeguards
16 required for leachable materials.

17 (6) There are less than six waste-tire collection sites
18 currently operating in this Commonwealth. This small number
19 of sites leads to illegal dumping and to a monopoly in waste-
20 tire collection.

21 (7) Above-ground storage of waste tires is very
22 expensive and creates many environmental hazards. Tires
23 stored above ground attract mosquitos and serve as a breeding
24 site for mosquitos. Mosquitos carry diseases. Tires stored
25 above ground are also susceptible to fires, which create
26 hazardous liquids and noxious emissions.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Department." The Department of Environmental Resources of
2 the Commonwealth.

3 "Fund." The Waste Tire Monofill Fund established in section
4 8.

5 "Monofill." A site where only waste tires are disposed of in
6 a landfill for long-term storage and retrieval at a later date
7 when the demand for recycled tires equals the supply of waste
8 tires.

9 "Monofill operator." An operator who oversees the disposal
10 of waste tires at a monofill.

11 "Monofilling." Utilization of a monofill.

12 "New vehicle tire." An originally manufactured tire for use
13 on a vehicle. The term does not include any remanufactured,
14 recapped, retreaded or otherwise restored tire.

15 "Purchase price of a new tire." The purchase price of a new
16 vehicle tire that shall be subject to the waste tire tax in
17 section 6 shall not include any other taxes on new vehicle
18 tires.

19 "Vehicle." Every device in, upon or by which any person or
20 property is or may be transported or drawn upon a highway,
21 except devices used exclusively upon rails or tracks. The term
22 does not include a pedalcycle.

23 "Waste tire." A tire no longer suitable for its intended
24 purpose because of wear, damage or a defect.

25 Section 4. Monofilling.

26 (a) Mandatory.--Three years after the effective date of this
27 section, monofilling shall be the only permissible method of
28 waste tire storage for future use. No other method of disposal
29 shall be permitted.

30 (b) Permissive.--Until subsection (a) applies, monofilling

1 is a permissible method of disposing of waste tires.

2 Section 5. Licenses.

3 (a) Requirement.--A monofill may not be operated without a
4 license from the department. The department shall issue licenses
5 to monofill operators on a regional basis in accordance with 25
6 Pa. Code § 1.3 (relating to department regional offices), upon
7 application to the department. The operator shall include, in
8 this application, the cubic yards of storage space available.
9 Based on storage space available, the department will determine
10 the number of tires to be stored in the monofill and the
11 monofill's storage capacity. The department shall also be
12 required to determine the volume of waste tires generated in
13 each region. The department shall not be permitted to refuse a
14 qualified monofill operator application if it is determined,
15 based on the region's waste tire generation, that capacity
16 exists for an additional operator.

17 (b) Issuance.--The department shall issue a license for the
18 operation of a monofill if a monofill operator, in addition to
19 the required storage space available, can establish all of the
20 following:

21 (1) The monofill is set up for long-term storage and
22 retrieval to the satisfaction of the department. The purpose
23 of this paragraph is to facilitate retrieval of waste tires
24 at a later date when the demand for recycled tires equals the
25 supply of waste tires.

26 (2) The monofill is to be operated so that waste tires
27 are shredded into pieces no larger than four inches by eight
28 inches and that no whole waste tires are placed in the
29 monofill or stored at the monofill site for more than 30
30 days.

(3) There is a plan acceptable to the department for restoring the topography of the land affected.

(c) Territorial restrictions.--Monofill operators may accept waste tires originated in areas other than their own region.

(d) Department fee.--The department may charge a reasonable fee for a license.

(e) Operator fees.--Operators shall be permitted to set their own fees for monofill services.

Section 6. Waste tire tax.

(a) Imposition.--Except as provided in subsection (b), for each new vehicle tire sold in this Commonwealth, a waste tire tax in the amount of 1% of the purchase price is imposed.

(b) Exception.--Subsection (a) does not apply to new vehicle tires sold by wholesalers to retailers for resale or to vehicle manufacturers.

(c) Collection.--The waste tire tax shall be collected by the seller. The seller shall remit, on a quarterly basis, 99% of the waste tire tax collected to the Department of Revenue and may retain 1% of the waste tire tax collected for costs of collection if the report is filed in a timely manner. The Department of Revenue shall deposit the money collected in the fund.

(d) Penalty.--

(1) For failure to collect waste tire tax, the Department of Revenue may impose a civil penalty of \$2 per new vehicle tire.

(2) For failure to remit waste tire tax, the Department of Revenue may impose a civil penalty of 1% of the waste tire tax due plus \$1 per new vehicle tire.

(e) Regulations.--The Department of Revenue may promulgate

1 regulations to administer this section.

2 Section 7. Penalty.

3 (a) Initial offense.--Except as provided in subsection (b),
4 a person who violates this act commits a summary offense and
5 shall, upon conviction, be sentenced to pay a fine of not less
6 than \$100 nor more than \$1,000.

7 (b) Subsequent offense.--A person who, after having been
8 sentenced under subsection (a), violates this act, commits a
9 summary offense and shall, upon conviction, be sentenced to pay
10 a fine of not less than \$1,000 nor more than \$5,000.

11 Section 8. Fund.

12 (a) Establishment.--The Waste Tire Monofill Fund is
13 established.

14 (b) Source.--The source of the fund shall be money collected
15 in fees, taxes and penalties under this act.

16 (c) Use.--The fund shall be used as follows:

17 (1) Five percent of the money in the fund shall be
18 appropriated on a quarterly basis to the department for the
19 administration of this act. This shall be a continuing
20 appropriation and shall not lapse.

21 (2) Forty-five percent of the money in the fund shall be
22 distributed on a quarterly basis to monofill operators for
23 operating expenses. Distribution shall be made on the basis
24 of volume of waste tires stored.

25 (3) Fifty percent of the money in the fund shall be
26 granted on a quarterly basis to political subdivisions that
27 elect to engage in monofilling. Distribution shall be made on
28 the basis of population.

29 (d) Administration.--The department shall administer the
30 fund.

1 Section 9. Regulations.

2 The department may promulgate regulations to administer this
3 act.

4 Section 10. Effective date.

5 This act shall take effect as follows:

6 (1) Section 6(a), (b), (c) and (d) of this act shall
7 take effect in 180 days.

8 (2) The remainder of this act shall take effect in 60
9 days.