

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1099 Session of
1995

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KENNEY, STETLER, THOMAS, MERRY, RICHARDSON AND SEMMEL,
MARCH 9, 1995

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
MARCH 9, 1995

AN ACT

1 Providing for the disposal of waste tires; conferring powers and
2 duties on the Department of Environmental Resources; imposing
3 penalties; and making an appropriation.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Waste Tire
8 Disposal Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

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

15 (2) Less than 5% of the total volume of waste tires is

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

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

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

13 (5) Under normal underground storage or in exposed
14 conditions, tires do not absorb or emit any chemicals.
15 Therefore, tires should be monofilled in the most economical
16 manner, without the need for liners or other safeguards
17 required for leachable materials.

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

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

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

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

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

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

10 "Monofilling." Utilization of a monofill.

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

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

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

20 Section 4. Monofilling.

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

25 (b) Permissible.--Until subsection (a) applies, monofilling
26 is a permissible method of disposing of waste tires.

27 Section 5. Licenses.

28 (a) Requirement.--A monofill may not be operated without a
29 license from the department. The department shall issue licenses
30 to monofill operators on a regional basis in accordance with 25

1 Pa. Code § 1.3 (relating to department regional offices), upon
2 application to the department. The operator shall include, in
3 this application, the cubic yards of storage space available.
4 Based on storage space available, the department shall determine
5 the number of tires to be stored in the monofill and the
6 monofill's storage capacity. The department shall also determine
7 the volume of waste tires generated in each region. The
8 department is not permitted to refuse a qualified monofill
9 operator application if it is determined, based on the region's
10 waste tire generation, that capacity exists for an additional
11 operator.

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

16 (1) The monofill is set up for long-term storage and
17 retrieval to the satisfaction of the department. The purpose
18 of this paragraph is to facilitate retrieval of waste tires
19 at a later date when the demand for recycled tires equals the
20 supply of waste tires.

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

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

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

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

3 (e) Buying and selling tires.--Operators shall be permitted
4 to buy tires from and sell tires to other operators.

5 Section 6. Regulations.

6 The department may promulgate regulations to administer this
7 act.

8 Section 7. Penalties.

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

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

17 Section 8. Effective date.

18 This act shall take effect in 60 days.