



Testimony of
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Before the
House Environmental Resources and Energy Committee

August 13, 1998

Mr. Chairman, members of the Committee, my name is Denise Chamberlain. I am the Deputy Secretary of Air, Recycling and Radiation Protection with the Department of Environmental Protection. I would like to thank you for the opportunity to appear before you today to discuss House Bill No. 2236, the Waste Tire Transportation Act.

I would like to commend Representative Mundy, Representative Argall, Representative George, and other sponsors of the Bill for their assistance to the Commonwealth in continuing the focus on ways to insure that waste tires are properly managed.

Pennsylvania, like many other states, has grappled with an integrated solution to the proper management of waste tires over the past decade with varying degrees of success. That all changed a year and a half ago when House Bill 1929, The Waste Tire Recycling Act (Act 190), was signed by Governor Ridge on December 19, 1996. Act 190 provided among other things, the initial funding necessary to begin an aggressive tire remediation program across the Commonwealth. Since the passage of Act 190, the Department's primary focus has been to remediate existing waste tire piles and expand markets for newly generated waste tires in the Commonwealth.



Through a combination of legislative and Departmental initiatives, we have made substantial progress in addressing the waste tire problem. Approximately 50 percent of the 36 million tires have been removed from known stock piles leaving about 19 million tires to be remediated in the coming years. Our goal is to complete the remediation of the remaining tire stock piles by the year 2000—an ambitious goal, but one that is achievable if we continue to work in partnership with local and county government.

We have a number of projects under way to supplement our clean up initiative. The Department, in conjunction with the Pennsylvania Fish Commission, recently announced a three-year study with Penn State University on the effectiveness of artificial fish bed construction from waste tires. The study will help determine not only if artificial fish reefs constructed out of waste tires actually improve fisheries, but it will also measure their effectiveness relative to the structure currently being used. Approximately 9 test reservoirs will be used for the study.

Also, we have awarded waste tire grants to three communities, Eastern Schuylkill Recreation Commission, City of Philadelphia Fairmont Park Commission, and Cambria Township, Cambria County, for the construction and/or renovation of public recreational areas using waste tires.

Processed tires will be used for a safety base around playground equipment and walking tracks while other projects will install playground equipment and recreational equipment constructed of waste tires.

The second component of the waste tire initiative focuses on new waste tires that are generated each and every day. Private enterprise has stepped forward and provided the solution for managing most of the 12 million waste tires generated annually. We estimate that approximately 85 percent of all of the newly generated waste tires are used as fuel in either cement kilns or industrial boilers. Most of the remaining 15 percent of waste tires generated are used to produce products such as belts, hoses, floor padding, tugboat bumpers, speed bumps,

soaker hoses, as well as other construction applications. Our public-private partnership is working and we are truly making progress in effectively managing Pennsylvania's waste tire problem.

Unfortunately, there are individuals that for whatever reason choose not to comply with the law. As a result indiscriminate dumping of waste tires has occurred along our roadways and hillsides. Over the last year, we have investigated approximately 100 complaints involving the illegal dumping of tires.

The third component, or last link, in the development of an integrated solution to our waste tire problem is to continue to address the indiscriminate illegal disposal of waste tires through education, outreach, market development, and thoughtful and thorough compliance actions.

We believe that the large stock piles of waste tire are largely historic in nature. The grants provided through Act 190, as well as general appropriations that have been earmarked for waste tire clean up, have proven to be successful tools for accomplishing the task of cleaning up old tire piles.

Additionally, the Legislature has provided the Department with a number of compliance tools that have and can be used to curb the indiscriminate dumping of the tires. Act 190 prohibits the disposal of whole waste tires unless: 1) the landfill provides for shredding, 2) the beneficial use of tires in construction activities at the landfill, or 3) transshipping them for reuse, recycling, or an alternative fuel source. Violations are subject to fines ranging from \$100 to \$5,000. The Pennsylvania Solid Waste Management Act, Act 97, requires a permit for waste tire processing and disposal, and contains penalty provisions of up to \$25,000 per offense for violation of the Act, as well as vehicle confiscation for individuals who knowingly violate the law. The Department currently regulates tires as a "residual waste" and as such, requires compliance with notice, permitting and permit-by-rule provisions for tire processing and storage facilities. Modifications to the residual regulations to require new performance and design standards

for the management and storage of tires were submitted to the Environmental Quality Board on June 16, 1998. These requirements are based on the "Standards for the Storage of Rubber Tires", published by The National Fire Protection Association. Further, any tires that are stored longer than a year are considered to be disposed and require a permit under Act 97.

With respect to the management of waste tires that are currently being created, the Department believes that the existing program structure has been successful in managing the newly generated waste tires. We have accomplished a great deal in a short period of time, we have made excellent progress in addressing this environmental problem, and we are committed to refining our processes to target areas of the state where we have the most pressing problems.

The proposed "Waste Tire Transport Act", House Bill No. 2236, suggests that it is directed to address "short dumping". "Short dumping" is a term for the disposal of tires, old appliances, waste and debris on vacant lots and hillsides. We suggest that we strengthen our outreach so that people who see short dumping can notify the Department so we can take action.

The Department would like to suggest that you consider the following recommendations:

1. an amendment to Act 190, which would make the storage of tires for longer than 90 days be an act constituting disposal, thereby invoking the permitting, compliance and enforcement provisions of the Solid Waste Management Act, Act 97;
2. an amendment that provides local government with the authority to enforce violations of Act 190 in addition to department enforcement;
3. establishing a toll-free number similar to section 4 of the bill as a mechanism to notify the department about short dumping and to receive information about recycling, tire reuse, and disposal.

Based on the success that is being achieved through the programs established under Act 190, aggressive enforcement under Act 97 where there are responsible parties and the recommendations I have outlined above, I believe that the provisions contained in H.B. 2236 are not necessary. The Ridge Administration is committed to resolving the waste tire problem in Pennsylvania and I am happy to report that we are well on our way to achieving that goal.

Thank you for inviting me to address the committee concerning Pennsylvania's waste tire program. I will be glad to answer any questions you may have.