

## ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations-includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

## ALEC's Corporate Board --in recent past or present

- AT&T Services, Inc.
  - centerpoint360
  - UPS
  - Bayer Corporation
  - GlaxoSmithKline
  - Energy Future Holdings
  - Johnson & Johnson
  - Coca-Cola Company
  - PhRMA
  - Kraft Foods, Inc.
  - Coca-Cola Co.
  - Pfizer Inc.
  - Reed Elsevier, Inc.
  - DIAGEO
  - Peabody Energy
  - Intuit, Inc.
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  - ExxonMobil
  - Verizon
  - Reynolds American Inc.
  - Wal-Mart Stores, Inc.
  - Salt River Project
  - Altria Client Services, Inc.
  - American Bail Coalition
  - State Farm Insurance
- For more on these corporations, search at [www.SourceWatch.org](http://www.SourceWatch.org).

**DID YOU KNOW?** Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

[Home](#) → [Model Legislation](#) → Energy, Environment, and Agriculture

### Waste Tire Abatement Act

Did you know the trade group for the gas industry was a corporate co-chair in 2011?

#### Summary

Providing for nuisance abatement from improper waste tire treatment. Establishing a waste tire abatement fund. Providing for grants for the beneficial disposal of waste tires, imposing additional powers and duties on the (environmental agency), providing penalties, making an appropriation, and making repeals.

#### Model legislation

{Title, enacting clause, etc.}

**Section 1. {Title}** This act may be cited as the Waste Tire Recycling and Abatement Act.

**Section 2. {Legislative findings and declarations of policy.}** The (legislative body) finds and declares as follows:

(A) An estimated two billion old tires lie in the nation's dumps, with several million added each year.

(B) (This state) scraps approximately ( ) tires annually. Many waste tires are stockpiled or dumped illegally because of the difficulty and expense involved in landfilling whole tires.

(C) Tire dumps attract mosquitoes and are susceptible to fires that create hazardous liquids and noxious emissions, posing a threat to public health and the environment.

**Section 3. {Definitions.}** As used in this Act:

(A) "Department." The (environment agency)

(B) "Fund." The Waste Tire Abatement Fund

(C) "Nuisance." An unreasonable danger to human health and safety or to the environment.

(D) "Tires." Any solid or air-filled coverings for automobile or light truck wheels.

(E) "Tire dump." Any location without a required waste permit that is used for storing or disposing of waste tires.

(F) "Waste tire." A tire no longer suitable for its intended purpose because of wear, damage, or defect.

(G) "Waste tire site." A site that is used for the storage or disposal of 1,000 or more whole waste tires and which is operated as a permitted facility or in conjunction with a permitted facility.

(H) "Abatement Priority Site." Any tire dump identified by the department as posing a significant threat to human health and safety or to the environment.

(I) "Abatement Priority List." A list of "Abatement Priority Sites" (as in subsection (I) above) to be prepared and reviewed by the department on a semiannual basis.

#### **Section 4. {Waste tire nuisance; abatement.}**

(A) Nuisance. A tire dump unreasonably endangers the health, safety and welfare of the public and is a nuisance.

(B) Abatement. The department may abate a nuisance caused by improper tire disposal by providing for the removal and disposal of the tires. Before taking any action to abate the nuisance, the department shall give notice to the owner that the tire dump constitutes a nuisance and require that the tires be removed within a specified period or show cause in court that no nuisance exists and thus abatement is not necessary. Failure of the owner to take the required action within the specified period shall result in the issuance of a department order to abate the nuisance. Should the owner fail to abate the nuisance as required by the order, the department shall proceed to abate the nuisance and recover costs under Section 3.

(C) Recovery of expenses. In addition to the assessment of a penalty pursuant to Section 13, the department may recover any reasonable and necessary expense incurred by the department for abatement costs and administrative and legal costs in a civil action brought against any owner or tire collector responsible for the nuisance. The department's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary.

#### **Section 5. {Permits required for holding or storing tires.}**

(A) Any person who stores more than 250 tires shall obtain a solid waste permit from the department unless exempted under subsection (B).

(B) Exemptions. The following persons are not required to obtain a permit:

(1) A retail tire dealer for a retail sales site if no more than 500 waste tire are kept on the business premises and if none is kept on the premises for any period longer than 45 days.

(2) A retail dealer for a retail sales sites which is serving as a waste tire collection center if no more than 1,000 tires are kept on the business premises and if none is kept on the premises for any period longer than 45 days.

(3) An owner or operator of a tire retreading business if no more than 1,000 waste tires are kept on the business premises and if none is kept on the premises for any period longer than 45 days.

(3) An owner or operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 waste tires are kept on the business premises and if none is kept on the premises for any period longer than 45 days.

(4) A person using waste tires for agricultural purposes if the waste tires are kept on the site of use, provided that the waste tires are regularly used for bona fide agricultural

purposes.

(5) A person using waste tires for erosion control, bank stabilization and other conservation projects if practiced in accordance with a written conservation plan approved by the department.

(C) Permit fee. The department shall establish reasonable permit fees. The revenue from permit fees shall be paid into the fund.

**Section 6. {Disposal by means of beneficial uses.}** The department shall by regulation define beneficial uses of waste tires which shall constitute a final disposition of the tire and shall include, though not be limited to: engineering applications (surfacing material, structural material, and fill for construction projects, and related uses consistent with standard engineering practices); manufacture of marketable products where virgin rubber, plastics, or similar feedstocks might otherwise be used); use as daily cover in permitted landfills when mixed with at least 50% soil, sand or gravel; fuel in appropriately permitted facilities; [other]. Citizens may petition to have other uses certified by the department; upon a successful petition, the department shall publish a notice of the newly certified uses.

### **Section 7. {Recycling fee.}**

(A) Tire purchase fee. At the time of any new tire for use on automobiles or on light trucks with a laden weight of 10,000 pounds or less is sold by a wholesale or retail dealer not for resale, there shall be assessed a waste tire recycling fee of [INSERT AMOUNT] per tire.

(B) Remittance. The wholesaler or retailer shall remit such fee to the (tax department) in the same manner as provided (by appropriate sales tax statute). At the time of filing any report as required by the (tax department), the wholesaler or retail dealer shall remit therewith to the (tax department) except as otherwise provided by this section, 97% of the fee due pursuant to this section. Failure to remit such fee at the time of filing the returns shall cause the said fee to become delinquent. If said fee becomes delinquent the wholesaler or retail dealer forfeits his claim to the discount authorized by this section and shall remit to the (tax department) 100% of the amount of the fee due plus any penalty due.

(C) Parameters. For the purpose of this section, "new tire" means an originally manufactured tire and shall not include any remanufactured, recapped, or otherwise restored tire.

(D) Expiration. The provisions of this section shall expire on [date] unless further extended by the legislature.

### **Section 8. {Waste Tire Abatement Fund.}**

(A) Establishment. All fees and penalties received pursuant to this Act, less administrative costs provided for in subsection (B) of Section 9 and subsection (C) of Section 5, shall be paid to the (State Treasury) into a special fund known as the Waste Tire Abatement Fund, which is hereby established.

(B) Appropriation. All monies placed in the fund, or as much thereof as shall be necessary, are hereby appropriated to the department for the purposes set forth in this section. The department shall annually submit to the Governor for his approval estimates of amounts to be expended under this Act.

(C) Allocations. Grants from the fund may only be paid out upon the final disposal of tires as per the provisions of Section 7 of this act. Grants shall be paid out only for tires originating from sites on the Abatement Priority List as defined in subsection (J) of Section 2.

(D) Certifications. The department shall promulgate any necessary regulations pertinent to certification of the site of origin and method of final disposal of the tires.

(E) Transfer of monies. On (date), all monies in the fund that are not obligated shall be transferred to the (appropriate state solid waste fund) and expended in the same manner as other monies in the (appropriate state solid waste fund).

**Section 9. {Disposal compensation.}**

(A) Compensation rate. Grants shall be based on a rate of [INSERT AMOUNT] per ton or at a rate determined by the department to be the least amount necessary to promote disposal of tires from Abatement Priority Sites. This rate shall be established through the regulatory process and shall be subject to review and change on a semiannual basis.] An incentive increment not exceeding [INSERT PERCENTAGE] of the compensation rate may be offered for tires from any sites prioritized for expedient clean up as determined by the department in subsection (C) below.

(B) In order to qualify for compensation, the applicant shall demonstrate that all disposed tires were collected from Abatement Priority Sites tire dumps as identified by the department.

(C) Abatement priorities. The Abatement Priority List shall be established in accordance with (procedures developed OR regulations promulgated) by the department, and shall include any tire dumps which pose a substantial and intolerable threat to the health of citizens and to the environment.

(D) Applications. Any person desiring to be compensated from the Waste Tire Abatement Fund for the purpose of this Act shall first make application to the department on forms prescribed by that department and through reports containing such information as that department determines is needed in order to verify that the tires have originated in Abatement Priority Sites and have been disposed of in accordance with provisions of Section 7 of this Act. On at least a quarterly basis, the department shall evaluate applications and certify them to the (tax department).

(1) Upon receiving applications properly certified by the department and upon determining that there are sufficient monies in the Waste Tire Recycling Fund, the (tax department) shall compensate grantees at the rate of [INSERT AMOUNT] per ton, provided that, if the Recycling Fund contains less than this amount of funds in any quarter, then the (tax department) shall apportion the payments among all the qualifying applicants according to the percentage of tires disposed.

**Section 10. {Unlawful acts.}**

(A) Offenses defined. It shall be unlawful for any person to:

(1) Dispose, collect, store or process waste tires within this state unless the disposal, collection, storage or processing is in accordance with this Act and any rules and regulations promulgated hereunder.

(2) Hinder, obstruct, prevent or interfere with the department or its personnel in the performance of any duty related to its responsibilities under this Act.

(B) Maximum amount of waste tires in possession. No person or business establishment shall possess more than 250 waste tires. This provision shall not apply to any person who has more than 250 waste tires in his possession at the time this Act becomes effective, provided that, within 60 days of the effective date of this Act, the person submits a plan to the department for the disposition of the excess tires by a beneficial use as defined in Section 7 of this act. This subsection shall not apply to persons who qualify for an exemption pursuant to subsections (A) and (B) of Section 6.

**Section 11. {Fines and penalties.}**

**Section 12. {Report to legislative body.}** The Secretary of the department shall submit a report to the (legislative body) concerning the implementation of this Act and the success of waste tire abatement programs. The report shall be transmitted to the (legislative body) not later than (date), and shall be revised and modified, if necessary, at least once every two years thereafter.

**Section 13. {Appropriation.}** The sum of [INSERT AMOUNT], or as much thereof as may be necessary, is hereby appropriated to the department for start-up administrative costs associated with establishing a waste tire abatement program in this state. Any funds not needed for start-up administrative purposes shall be deposited in the fund.

**Section 14. {Severability clause.}**

**Section 15. {Repealer clause.}**

**Section 16. {Effective date.}**

Were your laws  
repealed?



*Adopted by the Natural Resources Task Force at the November 14, 1998 Task Force Meeting. Approved by the full ALEC Board of Directors December, 1998.*

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