

**BURAK & ANDERSON  
MELLONI PLC**

Counsellors at Law

Michael L. Burak\*  
Jon Anderson  
Thomas R. Melloni\*  
Michael B. Rosenberg\*  
Shane W. McCormack\*‡  
W. Scott Fewell□  
Anja Freiburg  
David W. Rugh\*\*

Gateway Square • 30 Main Street  
Post Office Box 787  
Burlington, Vermont 05402-0787  
Phone: 802 862-0500  
Fax: 802 862-8176  
www.vtlaw1.com

\*Also admitted in New York  
\*\*Also admitted in Maryland  
\*Also admitted in the District of Columbia  
‡Also admitted in Massachusetts  
□Also admitted in Connecticut & Pennsylvania

June 25, 2007

Ms. Donna Barlow Casey  
Executive Director  
Central Vermont Solid Waste District  
137 Barre Street  
Montpelier, VT 05602

Dear Ms. Barlow Casey:

Jim McCullough (D-Williston) and I have been working to identify a way to solve the spent tires in the woods and rivers problem. Enclosed is a copy of a bill calling for a predisposal charge of \$1.00 per tire. Receipts would go to the solid waste management fund administered by the Agency of Natural Resources and be used to reimburse solid waste districts the cost of disposing of tires at tire amnesty and green up days. Chittenden Solid Waste District, which is the only solid waste district that accepts tires for free, (CSWD holds two amnesty days and accepts tires for free on Green Up Day) reports that there is no renegade tire problem in Chittenden County.

This approach has been developed in conjunction with the solid waste division at the Agency of Natural Resources, several solid waste district administrators, and a leading tire distributor.

About thirty-one states follow this approach including the following: Maine (\$1 per tire); Rhode Island (\$1.25 per tire); New Jersey (\$1.50 per tire); New York (\$2.50 per tire); Maryland (.40 per tire); Pennsylvania (\$1 per tire); Virginia (\$1 per tire); Alabama (\$1 per tire); Florida (\$1 per tire); Georgia (\$1 per tire); Kentucky (\$1 per tire); Mississippi (\$1 per tire); North Carolina (2% of tire's cost); South Carolina (\$2 per tire); Tennessee (\$1 per tire); Illinois (\$2.50 per tire); Indiana (.25 per tire); Michigan (\$1.50 per tire); Ohio (.50 per tire); Arkansas (\$2.00 per passenger car tire; \$4 per truck tire); Louisiana (\$2 per tire); New Mexico (\$1.50 per tire); Oklahoma (\$1 per passenger car tire; \$3.50 per truck tire); Kansas (.25 per tire); Nebraska (\$1 per tire); Colorado (\$1 per tire); Utah (.50 per tire); California (\$1.75 per tire); Hawaii (\$1 per tire); Nevada (\$1 per tire); Alaska (\$2.50 per tire).

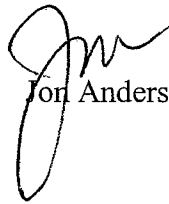
Ms. Donna Barlow Casey  
June 25, 2007  
Page 2

BURAK ANDERSON & MELLONI<sup>PLC</sup>

Most states charge a fee of \$1 per tire although possibly the fee could be half as much. If fee collections exceed actual expenses, the money will be available for other solid waste projects.

Please call or write either Jim ((802) 878-2180; [jmccullough@leg.state.vt.us](mailto:jmccullough@leg.state.vt.us)) or me ((802) 862-0500; [janderson@leg.state.vt.us](mailto:janderson@leg.state.vt.us)) with any thoughts you have for improving this proposal.

Very truly yours,



Jon Anderson

JTA\alb

Enclosure

S:\Client Matters\Admin\80204\Letters\jta barlow casey.doc

1 Introduced by Representative Anderson of Montpelier and Representative  
2 McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Conservation; solid waste; waste tires; disposal fee

6 Statement of purpose: This bill proposes to require persons who sell tires at  
7 retail to charge an advance disposal fee of \$1.00 per tire, to deposit those fees  
8 into the solid waste management assistance fund, and to authorize  
9 disbursement of those fees for tire collection and disposal activities.

10

11 AN ACT RELATING TO THE MANAGEMENT OF WASTE TIRES

12

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. § 6621d is added to read:

15 § 6621d. ADVANCED DISPOSAL FEE ON TIRES

16 (a) Definition. For the purposes of this section, "retailer" means a person  
17 engaged in the retail sale of new or used tires for motor vehicles.

18 (b) Advanced disposal fee.

19 (1) A consumer shall pay an advanced disposal fee of \$1.00 per tire on  
20 the purchase of all new tires. The fee shall be paid to the retailer at the time of  
21 the retail purchase, in addition to the retail price of the tire.

1           (2) A retailer shall submit all money collected as advanced disposal fees  
2           to the agency of natural resources for deposit into the solid waste management  
3           assistance account of the waste management assistance fund created under  
4           section 6618 of this title.

5           Sec. 2. 10 V.S.A. § 6618 is amended to read:

6           § 6618. WASTE MANAGEMENT ASSISTANCE FUND

7           (a) There is hereby created in the state treasury a fund to be known as the  
8           waste management assistance fund, to be expended by the secretary of the  
9           agency of natural resources. The fund shall have two accounts: one for solid  
10          waste management assistance and one for hazardous waste management  
11          assistance. The hazardous waste management assistance account shall consist  
12          of a percentage of the tax on hazardous waste under the provisions of 32  
13          V.S.A. chapter 237, as established by the secretary, the toxics use reduction  
14          fees under subsection 6628(j) of this title, and appropriations of the general  
15          assembly. In no event shall the amount of the hazardous waste tax which is  
16          deposited to the hazardous waste management assistance account exceed 40  
17          percent of the annual tax receipts. The solid waste management assistance  
18          account shall consist of the franchise tax on waste facilities assessed under the  
19          provisions of subchapter 13 of chapter 151 of Title 32, the proceeds of the  
20          advanced disposal fee on tires assessed under section 6621d of this title, and  
21          appropriations of the general assembly. All balances in the fund accounts at

1 the end of any fiscal year shall be carried forward and remain a part of the fund  
2 accounts, except as provided in subsection (e) of this section. Interest earned  
3 by the fund shall be deposited into the appropriate fund account.

4 Disbursements from the fund accounts shall be made by the state treasurer on  
5 warrants drawn by the commissioner of finance and management.

6 (b) The secretary may authorize disbursements from the solid waste  
7 management assistance account for the purpose of enhancing solid waste  
8 management in the state in accordance with the adopted waste management  
9 plan. This includes:

10 \* \* \*

11 (8) the costs, not related directly to capital construction projects, that are  
12 incurred by a district, or a municipality that is not a member of a district, in the  
13 design and permitting of implementation programs included in the adopted  
14 solid waste implementation plan of the district or of the municipality that is not  
15 a member of a district. These disbursements shall be issued in the form of  
16 advances requiring repayment. These advances shall bear interest at an annual  
17 rate equal to the interest rate which the state pays on its bonds. These  
18 advances shall be repaid in full by the grantee no later than 24 months after the  
19 advance is awarded-;

20 (9) the secretary shall annually allocate 17 percent of the receipts of this  
21 account, based on the projected revenue for that year, for implementation of

1 the plan adopted pursuant to section 6604 of this title and solid waste  
2 implementation plans adopted pursuant to section 2202a of Title 24-; and  
3 (10) the costs of cleaning up abandoned waste tire dumps and the costs  
4 of assisting municipal and solid waste management district waste tire  
5 collection programs.

6 Sec. 3. WASTE TIRE COORDINATED MANAGEMENT AND REPORT

7 The secretary of natural resources shall report to the general assembly by no  
8 later than January 15 of each year on the state's progress in managing waste  
9 tires.