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October 29, 2007

Re: Waste Tire Fee Bill

Dear Fellow Vermonters:

Attached is a draft copy of a bill Jim McCullough and I will likely introduce.

Extending on an approach first proposed by Representative Martha Heath, the bill would levy a fee of \$1.00 per tire on sale. The money would be used to reimburse solid waste districts for the disposal of tires collected at tire amnesty days and Green Up and other special events. 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 is not a tire deposit bill. The proposal can be implemented easily without inconvenience to tire distributors. Although I have spent a fair amount of time trying to understand why this bill would be objectionable, I have been able to identify only one objection to the bill—that we might collect more money than we need to address tire disposal problems. This can be dealt with by restricting what the collections can be used for and adjusting the amount of the fee as necessary to address such problem.

Thirty-one states already charge a fee on sale, including 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).

Interest in the issue in Montpelier traces to a high school environmental club cleaning up the Winooski River where it flows by the High School. Every year club members find tires. Club members asked first if there was a way to prevent the problem and second why, after cleaning up the tires as volunteers, they should have to pay also to dispose of the tires.

I became interested in the problem at the end of the last session. A friend of nearly 40 years, who is one of the teachers at Montpelier High School and has worked with the Environmental Club, asked me to continue Francis' work with Warren Kitzmiller to support a bill. I agreed to do so and Jim McCullough said he would help as well. Jim and I met with representatives for the Chittenden Solid Waste District, the solid waste coordinator for the Waterbury Mad River area who was designated as our contact by all of the solid waste districts, and two representatives from the solid waste division at ANR. I also met with a representative from Central Vermont Solid Waste District and a leading tire distributor. Based on all of this information, Jim and I submitted a drafting request for a bill enacting an advance disposal fee.

This is a centered approach that responds to the students' goals and addresses all of the concerns raised by tire dealers in opposition to the tire deposit approach first proposed by the students.

I was therefore surprised when the tire retailer we had been working with said the industry might still oppose the bill as unnecessary because it addresses a special problem we have in Montpelier rather than a statewide problem. So I began asking if we have a statewide problem including asking planners, solid waste districts, and the public in the newspapers. This research has so far yielded the following evidence of a statewide problem:

1. Vermont Green Up states that the 166 towns filing a report in 2006 collected 4,439 tires. Most towns simply pay the disposal costs for such tires, adding to the municipal tax burden. Tires are the hardest to handle trash picked up on Green Up Day, and they comprise a sizeable share of all trash that is picked up.
2. In August, Green Mountain Coffee Roasters employees collected about 520 tires from a short stretch of the Winooski River below Montpelier High School.
3. Jackie Bailey from Newbury writes:

I read a letter to the editor in our local newspaper, the Journal Opinion, regarding spent tires in the woods and rivers. I have attached pictures taken of a pile of tires on a road near my home where people are always throwing items over the banks along the road. The attached pictures are taken in just one place on this road. I know there is another "trash" area at the other end of the road that I believe also has tires. This road is in the town of Newbury. There are only 2 camps on this road and is not a road that sees a lot of traffic. It is a road that people use to dump whatever they want to get rid of and not have to pay for. I have seen a TV set, a microwave, household trash, pieces of insulation board and various other items on

this road at times. On Green up Day this road is cleaned up to a degree, but not to where the town's people pick up all the trash and tires over the banks. The tires in this picture have been accumulating there over the years. No one is picking them up, they only keep getting added to.

My husband went down over this particular bank to get better pictures of the tire piles and said that there are tires for 4-wheelers there as well as car and truck tires. The run off from this particular dumping spot will run into a stream that is approximately 90 to 125 feet from here. On the other end of the road where items are thrown, the stream is directly at the bottom of the bank.

From time to time my husband and I drive out this road to check on it and have often reported different kinds of trash left on this road to our town officials. The trash has been disposed of once its reported, but the tires and other items over the bank that have been accumulating there for years (mattresses, household trash and items, etc.) are just left there.

This is just one road in our town. I'm sure others that are not heavily traveled, such as this one, have problems with tires too.

4. Pat Owen from Worcester sent us a number of pictures of tires accumulating in people's yards with the comment, "I didn't have to try very hard. They are ubiquitous."

5. Peter Bankart from Calais writes:

There are probably a dozen or so tires thrown (and stacked) around the picnic area by the river, under the interstate across from the cemetary on Rte 2 just north of Montpelier.

6. Doug Rogers from Vernon writes:

I saw your editorial in the BRATTLEBORO REFORMER and have this to offer:

I kayak and hike all over VT, mostly in the south (Windham County). There are few bodies of water and trails that don't have tires in them. I have and currently have a good healthy collection of tires that I carry out whenever possible, and it seems along our rivers after the spring floods reced, there is always a new crop waiting. I do the best I can, it is expensive to dispose of them. If you want to see tires, just get into a kayak, canoe, or paddle boat and you will find them. I generally don't take pictures of them, I just pick them up. I have always been a firm believer in that all problems can be solved. As you undoubtedly know, tires are just the tip of the iceberg. I constantly pick up TV's, couches, vacuum cleaners, chairs, batteries, almost anything that costs money to throw away - folks

of less than adequate means are depositing these items at pull-offs everywhere. I also believe that the deposit on bottles is grossly inadequate. It used to be people thought a nickle was a fair amount of change, that doesn't seem to be the case anymore, although I'm not really sure that the majority of cans and bottles that have a nickle deposit on them is where the problem lies. If it were up to me, I would put a minimum deposit on every container of water, soda, beer, juice that is sold in the state of VT. Maine and California have done this with good results from what I can see. This would also reduce the items that are thrown into our landfills as recycling is not mandatory in many areas. I also believe that the deposit theory would work on the the rubber tires!!!!

7. William Merrylees, the Green Up Day Coordinator from East Montpelier, writes:

My record keeping is a little spotty, but here is what I have:

<>In 2006 we had 292 tires picked up from roadsides & dumpsites on public land on green Up Day . This was our highest since I started doing greenUp in 2001. Typically we have 180 - 200 tires. 2007 was quite a bit lower than I've ever seen, with just 78. there was less trash too. I think it may level off now that we've so thoroughly gotten to all of the older dumpsites. tire disposal is clearly the most expensive disposal cost on Green UP Day. the town has always had to fund this disposal , as it exceeds the solid waste Mgmt. district minigrant. As you know tires are big, heaavy, messy and tend to fill with rainwater. Once they're dumped they'll typically sit until a large effort like Green Up comes along; they're not often taken care of by the conscientious passer-by.

8. Lee Krohn, the Planning Director from Manchester who works on Green-Up, writes: "In my opinion, \$1 per tire is very reasonable!"
9. Tom McKenna from Montpelier writes:

I walk on Bliss Road almost every morning in good weather. About once a year I find old tires, usually one or two, on the shoulder. Have called the Central VT Solid Waste District & someone there who lived out this way, picked it up in his pickup on the way to work. A few months ago I found one beside the road in the Montpelier section. Called the Montpelier Public Works Dept. and it disappeared a few days later.

We need a \$1 or so tax on every tire sold or brought into VT when someone moves here and registers a car. If it takes \$2 to cover the cost then make it \$2. My point is that old tires should be accepted by the solid waste districts w/o payment.

10. C. Leon Harris from Adamant writes:

I was pleased to see your letter in today's Times Argus showing an interest in preventing the dumping of tires. I live in the Town of East Montpelier near the village of Adamant, the kind of rural and lightly policed area that a certain type of person finds convenient for shifting the burden of dealing with worn-out tires onto other people. Like many here, I have had to use my own time, money and energy to remove tires dumped on our property. In addition, about 10 years ago someone dumped about three dozen tires nearby along Sodom Pond Road, a dirt road on the east side of the pond of that name. After many months the tires that were accessible were picked up by volunteers, who, I assume, had to pay for their disposal. Some of the tires, however, rolled into the pond, where they remain and probably will remain indefinitely. Here is a photo of one that I took today.

Whatever you can do to help remedy this problem will be greatly appreciated.

11. Sandy Kuehn from near Castleton writes:

I'm so glad to know that you're irritated by illegal dumping and are trying to do something about it. For decades the East Bay of West Haven VT has been used as a dumping ground for household trash, tires, and anything else that costs to get rid of. Volunteers have spent hundreds of hours over the years picking up the refuse and disposing of it properly. This fall students from Castleton State College will clean up what's left of this pile of burned tires and other debris that's been illegally dumped along the road which borders the Poultney River and Lake Champlain.

Hope this helps. Please let me know if you need more evidence or if there is any other way to help.

12. Christian Blake from Westminster writes:

I own 60 acres in Westminster, Vermont off of Covered Bridge Road where a stream runs parallel to Covered Bridge road. I have contacted the State of Vermont Environmental Enforcement Division and the dept. that uses paroles to pick up the tires etc.. To date nothing has been done to pick up the tires, computer equipment etc.. I hope you can help as this debris is in the brook that enters the Saxtons River and the Connecticut River.

13. Cynthia Scott, Coordinator for the Missisquoi River Basin Association, writes:

Your letter was printed in our local weekly, the County Courier, and I thought you would want to know about the Missisquoi River Basin Association's (MRBA) encounter with tires in the Missisquoi River on Aug. 19, 2006. MRBA is a

grassroots watershed organization working to reduce non-point source phosphorus inputs into the Missisquoi River and its tributaries. We also hold a river clean-up every year on a section of the river, paddling close to the banks and picking up trash. Last year's clean-up took place between Enosburg Falls (below the dam) and North Sheldon (Kane Road/Rt 120), a distance of about 5 miles. In the first half or less of that distance, we picked up 13 tires which were either on the river bank or in the river. During the remainder of the paddle, we saw many many more tires, at least as many as the 13 we'd pulled out, but we had to leave them behind as our canoes were filled to capacity. The river was very low that day and the tires were clearly visible lying on the river bottom.

If you would like further information or would like to visit the area, feel free to contact me, MRBA's coordinator at 933-8851 or our Chair, John Little at 326-4164, as I will be out of town until Aug. 27. MRBA would strongly support legislation to keep unwanted tires from being disposed of in our rivers.

14. Diana Todd from the Halifax/Marlboro area writes:

Yes, I'm finding tires in the woods! Nine all at one time this summer, at the town line between Halifax and Marlboro, on Butterfield Road. They were picked up by me, the landowner, and brought to an official tire disposal center, because I don't want these eyesores and mosquito breeding grounds blighting my land. Sorry I can't send a picture - I picked them up and disposed of them before I knew anyone was interested in the problem.

15. Tony Vellturo from Stockbridge writes:

I would guess many years. We bought the property in 1981 but I only recently, past 3-4 years, found them in some heavily wooded area. However, the tires could have very easily been rolled from the road down an embankment into my wooded area. I had removed a couple a few years ago but these were easily removed. The ones that are still there will require digging and hauling them out.

16. Peter Bruno from Brattleboro writes:

I read your letter in the paper about abandoned tires. It was very inspiring, and prompted myself and several friends to go for a wander in the woods to see if we could find any abandoned tires. After a few hours, we came across a rather old tire that had some vegetation grown up around it.

Did you guys want to look at it? What should we do about this tire?

Thank you for making this important issue a priority. Please let me know what else I can do to help.

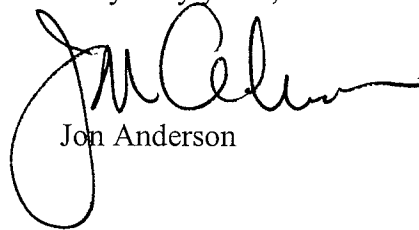
17. Cathy Hartshorn from Berlin writes:

In response to your plea for spent tires in our woods and roadside, I came across two locations in Berlin on Paine Turnpike So. Along Berlin Pond. Please see attached photos. As far as I know, no attempts have been made at removing them. If you would like exact locations, I'll be happy to provide them.

I have also been working with teachers at Montpelier High School who, this year, are planning to use the tire issue as the basis of a course in consensus building, policy making and lobbying.

Please let Jim or me know if you have any suggestions for further refining the bill. Jim and I will likely finalize a draft bill by the end of November and will then seek cosponsors.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jon Anderson', with a large, stylized initial 'J'.

Jon Anderson

JTA/alb

Attachment

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

3 Referred to Committee on

4 Date: affect

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 a waste tire fee of \$1.00 per tire and to deposit those fees into a
8 special account within the solid waste management assistance fund. Such fees
9 shall then be used to pay for tire collection and disposal activities by solid
10 waste management districts and other organizations. An advisory committee
11 would be established to advise the agency of natural resources regarding the
12 disbursement of those fees for tire collection and disposal activities.

13 AN ACT RELATING TO THE MANAGEMENT OF WASTE TIRES

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

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

16 § 6621d. VERMONT WASTE TIRE FEE

17 (a) Definition. For the purposes of this section:

18 (1) "Motor vehicle" shall include all vehicles propelled or drawn by
19 power other than muscular power, except farm tractors, vehicles running only

1 upon stationary rails or tracks, motorized highway building equipment, road
2 making appliances, snowmobiles, or tracked vehicles or electric personal
3 assistive mobility devices.

4 (2) "Retailer" means a person engaged in the retail sale of new tires for
5 motor vehicles or a person engaged in the retail sale of new motor vehicles for
6 which new tires are sold as a component part.

7 (3) "Tire" means any tire with a rim or wheel diameter of more than 13
8 inches but no more than 19 inches that is designed and manufactured for use
9 on a motor vehicle, as that term is defined in subdivision (a)(1) of this section.

10 (b) Vermont waste tire fee.

11 (1) A consumer shall pay a fee of \$1.00 per tire on the purchase of all
12 new motor vehicle tires. The fee shall be collected for each tire, including
13 spare tires, sold as a component part of a new motor vehicle. The fee shall be
14 paid to the retailer at the time of the retail purchase, in addition to the retail
15 price of the motor vehicle tire.

16 (2) A retailer shall submit all money collected as fees under this section
17 to the agency of natural resources for deposit into the management of waste
18 tires account of the waste management assistance fund created under section
19 6618 of this title.

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

21 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

1 (a) There is hereby created in the state treasury a fund to be known as the
2 waste management assistance fund, to be expended by the secretary of the
3 agency of natural resources. The fund shall have ~~two~~ three accounts: one for
4 solid waste management assistance, ~~and~~ one for hazardous waste management
5 assistance, ~~and one for the management of waste tires~~. The hazardous waste
6 management assistance account shall consist of a percentage of the tax on
7 hazardous waste under the provisions of 32 V.S.A. chapter 237, as established
8 by the secretary, the toxics use reduction fees under subsection 6628(j) of this
9 title, and appropriations of the general assembly. In no event shall the amount
10 of the hazardous waste tax which is deposited to the hazardous waste
11 management assistance account exceed 40 percent of the annual tax receipts.
12 The solid waste management assistance account shall consist of the franchise
13 tax on waste facilities assessed under the provisions of subchapter 13 of
14 chapter 151 of Title 32, and appropriations of the general assembly. The
15 management of waste tires account shall consist of the proceeds of the
16 Vermont waste tire fee on tires assessed under section 6621d of this title and
17 appropriations of the general assembly. All balances in the fund accounts at
18 the end of any fiscal year shall be carried forward and remain a part of the fund
19 accounts, except as provided in subsection (e) of this section. Interest earned
20 by the fund shall be deposited into the appropriate fund account.

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

3 * * *

4 (d) The secretary shall annually allocate from the fund accounts the
5 amounts to be disbursed for each of the functions described in subsections (b),
6 and (c), and (f) of this section. The secretary, in conformance with the
7 priorities established in this chapter, shall establish a system of priorities
8 within each function when the allocation is insufficient to provide funding for
9 all eligible applicants.

10 * * *

11 (f) The secretary may authorize disbursements from the management of
12 waste tires account for the purpose of collecting and disposing of waste tires in
13 the state in accordance with the advice of the waste tire management advisory
14 committee. Disbursements may include payment of a small fee to volunteer
15 organizations to gather abandoned waste tires, reimbursement of all or part of
16 the costs of disposal of waste tires collected on green up days, reimbursement
17 of all or part of the costs of waste tire collection conducted by municipalities or
18 solid waste districts in order to abate a nuisance or address a threat to public
19 safety or the environment, and payment of the costs of assisting municipal and
20 solid waste management district waste tire collection programs.

21 Sec. 3. 10 V.S.A. § 6618a is added to read

1 § 6618a. WASTE TIRE MANAGEMENT ADVISORY COMMITTEE

2 (a) The Vermont waste tire management committee is created. The
3 committee shall consist of six members: the director of the waste management
4 division, a representative of tire retailers appointed by the governor, one
5 representative of an urban municipal solid waste districts appointed by the
6 governor, one representative of a rural municipal or regional solid waste
7 districts appointed by the governor and a representative of an environmental
8 organization appointed by the governor.

9 (b) The purpose of the committee is to advise and assist the personnel at the
10 agency of natural resources in the formulation of policy, including
11 recommended statutory and regulatory changes, regarding the collection and
12 disposal of waste tires in the state. The committee shall promote and
13 encourage cooperation and communication between governmental agencies,
14 the tire retailers, solid waste districts, and members of the general public.

15 (c) Members shall be appointed for terms of three years, with the initial
16 appointments of the public members made for lesser terms, so that the
17 appointments do not all expire simultaneously. Vacancies shall be filled by the
18 governor for the length of an unexpired term.

19 (d) The committee shall elect a chair and a secretary, and shall meet from
20 time to time as may be necessary, but not less than quarterly.

1 (e) The public members of the committee shall be volunteers, and will
2 serve without compensation.

3 Sec. 4. WASTE TIRE COORDINATED MANAGEMENT REPORT

4 The secretary of natural resources shall report to the general assembly by no
5 later than January 15 of each year on the state's progress in managing waste
6 tires. The report shall include the amount of advance disposal tire fees
7 collected in the current fiscal year to date, the amount of funds within the
8 waste tire management account expended in the current fiscal year to date, a
9 summary of the activities funded by the waste tire management account, the
10 balance of the waste tire management account, and any recommended changes
11 to the waste tire collection and disposal program.

12 Sec. 5. SUNSET

13 This act shall expire on June 30, 2013, and sections of the Vermont Statutes
14 Annotated which are amended by this act shall revert to the language in effect
15 prior to the effective date of this act.